

The Judiciary/ Supreme Court

Matthew L. Stiffler, Budget Analyst

- Roughly 60% of GRF budget covers state share of judge salaries
- \$10.5 million to support court technology initiative

OVERVIEW

Duties and Responsibilities

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 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.
- 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.
- Addresses complaints alleging the unauthorized practice of law.

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. The merger was undertaken, at the Court’s request, in order to ease its administrative burdens. As a result, roughly one half-dozen of the Court’s

existing line items were realigned so that the state's accounting system more accurately reflected the merged budgetary structure.

Agency in Brief

The following table selectively summarizes The Judiciary/Supreme Court appropriations and staffing information.

Agency In Brief					
Number of Employees*	Total Appropriations-All Funds		GRF Appropriations		Appropriation Bill(s)
	2008	2009	2008	2009	
1,465	\$139.68 million	\$147.75 million	\$132.59 million	\$140.57 million	Am. Sub. H.B. 119

*Employee count obtained from the Department of Administrative Services (DAS) payroll reports as of 15, June 2007. Includes Supreme Court staff, justice and judges, courts of appeals staff, and clerks of county courts for whom the Court pays all or a portion of their annual salary and fringe benefits.

The Judiciary/Supreme Court's enacted budget totals \$287.4 million (\$139.7 million in FY 2008 and \$147.7 million in FY 2009), 95% of which represents funding appropriated from the GRF. The GRF budget for The Judiciary/Supreme Court has the following three readily identifiable operating expense components.

- **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 (estimated at \$81.05 million in FY 2008 and \$84.86 million in FY 2009).
- **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 (estimated at \$21.74 million in FY 2008 and \$22.64 million in FY 2009).
- **Supreme Court operations.** This component of the GRF budget funds the salaries of the justices and staff, the operation and maintenance of the Ohio Courts Building, and the provision of programs that benefit the trial and appellate courts (estimated at \$24.99 million in FY 2008 and \$25.61 million in FY 2009).

These components also suggest that, for any given year, between 70% and 75% of the Court's expenditures pay for the state share of the salaries and fringe benefits of judges and certain court personnel and 18% to 20% pays for the operation of the Supreme Court.

Non-GRF funds totaling \$7.1 million in FY 2008 and \$7.2 million in FY 2009 are also appropriated for the purpose of providing judicial education, continuing legal education, bar admissions, and attorney registration. These non-GRF appropriations will also fund approximately 56 legal and support positions at the Supreme Court.

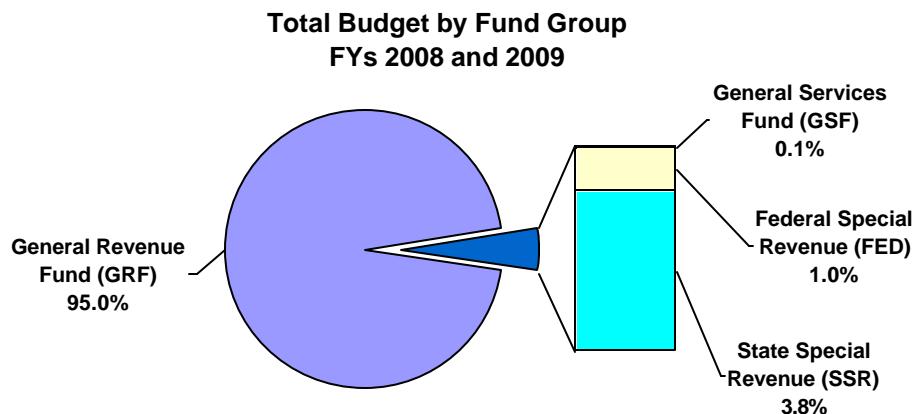
Notable Temporary Law Provisions

The more notable temporary law provisions affecting The Judiciary/Supreme Court budget are summarized immediately below.

- ***Transfer of Unencumbered GRF Appropriation Authority for Indigent Defense (Section 313.30).*** Temporary law transfers the total FY 2008 unencumbered appropriations in GRF line item 005-321, Operating Expenses - Judiciary/Supreme Court, to FY 2009 and appropriates the transferred amount to the Ohio Public Defender Commission's GRF line item 019-501, County Reimbursement, in FY 2009.
- ***Ohio Courts Technology Initiative (Section 313.10).*** Temporary law associated with the Court's GRF line item 005-409, Ohio Courts Technology Initiative, requires these moneys to be used to fund an initiative by the Supreme Court to facilitate the exchange of information and warehousing of data by and between Ohio courts and other justice system partners through the creation of an Ohio Courts Network, the delivery of technology services to courts throughout the state, including the provision of hardware, software, and the development and implementation of educational and training programs for judges and court personnel, and the creation and operation of the Commission on Technology and the Courts by the Supreme Court for the promulgation of statewide rules, policies, and uniform standards, and to aid in the orderly adoption and comprehensive use of technology in Ohio courts. The GRF amounts appropriated for these purposes total \$4.0 million in FY 2008 and \$6.5 million in FY 2009. The project's total estimated cost is \$25 million.
- ***Legal Education Opportunity (Section 313.30).*** Temporary law associated with the Court's GRF line item 005-502, Legal Education Opportunity, requires the appropriated moneys fund activities undertaken at the direction of the Chief Justice for purposes of introducing minority, low-income, and educationally disadvantaged Ohio students to the legal system and providing those same students with education opportunities, and permits the appropriated moneys to be used in cooperation with other entities to establish programs, courses, and activities that introduce students to the legal system and provide education opportunities and to pay the associated administrative costs. The amount earmarked for these purposes totals \$250,000 in FY 2008 and \$350,000 in FY 2009.
- ***Law-Related Education (Section 313.10).*** Temporary law requires the moneys appropriated to GRF line item 005-406, Law-Related Education, to be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs. The amount earmarked for this purpose totals \$229,290 in FY 2008 and \$236,172 in FY 2009.

FYs 2008 - 2009 Expense by Fund Summary

The pie chart immediately below shows the total appropriations (FYs 2008 and 2009) for The Judiciary/Supreme Court by fund group. (Due to rounding, the numbers will not add to 100%).



Criminal Sentencing Commission

The annual operating expenses of the Ohio Criminal Sentencing Council are also contained in The Judiciary/Supreme Court 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.

Annual Salaries Paid from the State Treasury

The annual salaries paid from the state treasury by the Supreme Court are summarized in the table below.

Annual Salaries Payable from the State Treasury	
Office	Portion of Annual Salary Payable from the State Treasury
Justices of the Supreme Court and Court staff	100% of salary
Judges of the courts of appeals and R.C. section 2501.16 employees	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	Varies; determined by statute
County clerks of courts	1/8 of salary for court of appeals -related services

ANALYSIS OF THE BUDGET

For budget purposes, as detailed below, The Judiciary/Supreme Court is considered a single program series agency and its activities are not subdivided into multiple programs.

Single Program Series

Judicial Operations

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 2008	FY 2009
General Revenue Fund				
GRF	005-321	Operating Expenses	\$127,778,192	\$133,144,970
GRF	005-401	State Criminal Sentencing Council	\$331,500	\$336,770
GRF	005-406	Law-Related Education	\$229,290	\$236,172
GRF	005-409	Ohio Courts Technology Initiative	\$4,000,000	\$6,500,000
GRF	005-502	Legal Education Opportunity	\$250,000	\$350,000
General Revenue Fund Subtotal			\$132,588,982	\$140,567,912
State Special Revenue Fund				
4C8	005-605	Attorney Services	\$3,841,416	\$3,936,058
5T8	005-609	Grants and Awards	\$100,000	\$100,000
6A8	005-606	Supreme Court Admissions	\$1,496,633	\$1,541,532
State Special Revenue Fund Subtotal			\$5,438,049	\$5,577,590
General Services Fund				
672	005-601	Continuing Judicial Education	\$136,000	\$140,000
General Services Fund Subtotal			\$136,000	\$140,000
Federal Special Revenue				
3J0	005-603	Federal Grants	\$1,518,491	\$1,467,693
Federal Special Revenue Subtotal			\$1,518,491	\$1,467,693
Total Funding: Judicial Operations			\$139,681,522	\$147,753,195

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 Source: (1) GRF, (2) admissions and registration fees, and (3) grants and awards

Implication of the Budget: The enacted Judiciary/Supreme Court 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 budget is increased by: (1) \$9.7 million, or 7.9%, in FY 2008 from the total adjusted FY 2007 GRF expenditure of \$122.9 million, and (2) \$8.0 million, or 6.0%, in FY 2009 from the FY 2008 appropriated amount. As of this writing, it appears that the total amount of funding appropriated in each of FYs 2008 and 2009 will be sufficient for the Supreme Court to maintain current service levels and cover the state share of judge's salaries.

FY 2008 - 2009 Final Appropriation Amounts

All Fund Group

Line Item Detail by Agency			FY 2005:	FY 2006:	FY 2007 Adj.	FY 2008 Appropriations:	% Change 2007 to 2008:	FY 2009 Appropriations:	% Change 2008 to 2009:					
Report For: Main Operating Appropriations Bill					Version: Enacted									
JSC Judiciary / Supreme Court														
GRF 005-321	Operating Expenses - Judiciary/Supreme Court	\$ 111,094,477	\$ 116,088,022	\$ 121,441,259	\$ 127,778,192	5.22%	\$ 133,144,970	4.20%						
GRF 005-401	State Criminal Sentencing Council	\$ 259,048	\$ 258,013	\$ 343,730	\$ 331,500	-3.56%	\$ 336,770	1.59%						
GRF 005-406	Law-Related Education	\$ 216,131	\$ 216,131	\$ 222,615	\$ 229,290	3.00%	\$ 236,172	3.00%						
GRF 005-409	Ohio Courts Technology Initiative	----	----	\$ 0	\$ 4,000,000	N/A	\$ 6,500,000	62.50%						
GRF 005-502	Legal Education Opportunity	\$ 0	----	\$ 875,000	\$ 250,000	-71.43%	\$ 350,000	40.00%						
General Revenue Fund Total			\$ 111,569,655	\$ 116,562,166	\$ 122,882,604	\$ 132,588,982	7.90%	\$ 140,567,912	6.02%					
672 005-601	Continuing Judicial Education	\$ 91,983	\$ 115,949	\$ 130,000	\$ 136,000	4.62%	\$ 140,000	2.94%						
General Services Fund Group Total			\$ 91,983	\$ 115,949	\$ 130,000	\$ 136,000	4.62%	\$ 140,000	2.94%					
3J0 005-603	Federal Grants	\$ 992,823	\$ 1,751,856	\$ 1,507,578	\$ 1,518,491	0.72%	\$ 1,467,693	-3.35%						
Federal Special Revenue Fund Group Total			\$ 992,823	\$ 1,751,856	\$ 1,507,578	\$ 1,518,491	0.72%	\$ 1,467,693	-3.35%					
4C8 005-605	Attorney Services	\$ 2,627,960	\$ 2,987,805	\$ 3,264,867	\$ 3,841,416	17.66%	\$ 3,936,058	2.46%						
5T8 005-609	Grants and Awards	\$ 27,701	\$ 89,234	\$ 260,000	\$ 100,000	-61.54%	\$ 100,000	0.00%						
643 005-607	Commission on Continuing Legal Education	\$ 453,530	\$ 408,741	\$ 586,261	\$ 0	-100.00%	\$ 0	N/A						
6A8 005-606	Supreme Court Admissions	\$ 1,041,340	\$ 1,116,488	\$ 1,453,042	\$ 1,496,633	3.00%	\$ 1,541,532	3.00%						
State Special Revenue Fund Group Total			\$ 4,150,532	\$ 4,602,267	\$ 5,564,170	\$ 5,438,049	-2.27%	\$ 5,577,590	2.57%					
Judiciary / Supreme Court Total			\$ 116,804,993	\$ 123,032,238	\$ 130,084,352	\$ 139,681,522	7.38%	\$ 147,753,195	5.78%					