

LSC Greenbook

Analysis of the Enacted Budget

Judiciary/Supreme Court

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ATTACHMENT:

Budget Spreadsheet By Line Item

Judiciary/ Supreme Court

- Roughly three-quarters of GRF budget pays judges' and courts of appeals staff salaries
- \$8.25 million in GRF earmarked for court technology initiative

OVERVIEW

Duties and Responsibilities

The duties and responsibilities of the Supreme Court of Ohio as specified in Article IV of the Ohio Constitution can be viewed as having two distinct general requirements:

- Ruling upon legal matters including: appeals involving Ohio or U.S. constitutional questions arising, cases originating in the courts of appeals, cases in which there have been conflicting opinions on the same question from courts of appeals, hearing all death penalty cases, and review of the actions of certain administrative agencies; and
- Regulating the admission to and practice of law, promulgating rules of practice and procedure in Ohio courts, and exercising general superintendence over all Ohio courts.

The Court itself is comprised of a Chief Justice and six justices who are elected in even-numbered years to six-year terms. The majority of the cases heard by the Court are appeals from the state's 12 district courts of appeals. The Supreme Court also has original jurisdiction to issue extraordinary writs, including writs of habeas corpus, writs of mandamus, writs of procedendo, writs of prohibition, and writs of quo warranto.

Appropriation Overview

Table 1 below summarizes the Commission's budget by fund group.

Table 1. Agency Appropriations by Fund Group, FY 2010-FY 2011					
Fund Group	FY 2009*	FY 2010	% change, FY 2009-FY 2010	FY 2011	% change, FY 2010-FY 2011
General Revenue	\$135,116,211	\$135,498,312	0.3%	\$135,748,312	0.2%
General Services	\$57,442	\$300,000	422.3%	\$300,000	0.0%
Federal Special Revenue	\$1,873,888	\$2,137,866	14.1%	\$1,917,081	-10.3%
State Special Revenue	\$4,559,154	\$5,038,801	10.5%	\$5,038,801	0.0%
TOTALS	\$141,606,694	\$142,974,979	1.0%	\$143,004,194	0.0%

*Actual expenditures in FY 2009

To support the Court's services and activities, the budget appropriates a total of about \$143 million in each of FYs 2010 and 2011, an increase of about \$1.4 million, or 1%, relative to its FY 2009 expenditures totaling \$141.6 million. The differences between the total amounts appropriated in FYs 2009-2011 are largely a function of the expected ebb and flow of fee and grant-funded services and activities.

The Court is primarily a GRF-funded state judicial entity, in that the GRF pays for 95.0% of the cost of its services and activities.

Close to 90% of its total biennial appropriation will be allocated for personal services, which represents the payroll-related expenses (salary and fringe benefits) associated with 700-plus judges, 290-plus courts of appeals staff, and approximately 290 Supreme Court administrative staff.

Payroll Headcount

Table 2 below summarizes the number of personnel paid by the Court from FY 2008 projected through FY 2011, including sitting and retired assigned judges, certain clerks of courts, courts of appeals staff, and staff of the Court performing various administrative functions.

Table 2. Court Payroll Headcount by Line Item, FYs 2008-2011*				
Fund/Line Item	FY 2008	FY 2009	FY 2010	FY 2011
GRF/005-321				
Judges/Clerks	917	924	924	924
Courts of Appeals Staff	293	293	293	293
Supreme Court Staff	230	230	230	230
005-321 Subtotal	1,440	1,447	1,447	1,447
GRF/005-401	3	5	5	5
GRF/005-409	0	2	2	2
FED/005-603	1	1	1	1
SSR/005-605	44	44	44	44
SSR/005-606	9	9	9	9
TOTALS	1,497	1,508	1,508	1,508

*FYs 2010-2011 are Court-provided estimates.

ANALYSIS OF ENACTED BUDGET

Administrative Operations and Affiliates

The Supreme Court of Ohio exercises general powers of superintendence over the courts of the state, a responsibility that is supported by administrative staff and affiliated offices. Structurally, this most notably includes eight divisions, and affiliated disciplinary offices and special purpose commissions. Table 3 below shows the line items that are used to pay for the services and activities performed by those divisions and affiliates. It is then followed by a discussion of the purpose of each appropriated line item.

Table 3. Appropriations for Administrative Operations and Affiliates				
Fund	ALI and Name		FY 2010	FY 2011
General Revenue Fund (GRF)				
GRF	005321	Operating Expenses – Judiciary/Supreme Court	\$131,055,370	\$131,055,370
GRF	005401	State Criminal Sentencing Council	\$206,770	\$206,770
GRF	005406	Law-Related Education	\$236,172	\$236,172
GRF	005409	Ohio Courts Technology Initiative	\$4,000,000	\$4,250,000
GRF	005502	Legal Education Opportunity	\$0	\$0
General Revenue Fund Subtotal			\$135,498,312	\$135,748,312
General Services Fund (GSF) Group				
6720	005601	Continuing Judicial Education	\$300,000	\$300,000
Federal Special Revenue (FED) Fund Group				
3J00	005603	Federal Grants	\$2,137,866	\$1,917,081
State Special Revenue (SSR) Fund Group				
4C80	005605	Attorney Services	\$3,704,659	\$3,704,659
5T80	005609	Grants and Awards	\$50,000	\$50,000
6A80	005606	Supreme Court Admissions	\$1,284,142	\$1,284,142
State Special Revenue Fund Group Subtotal			\$5,038,801	\$5,038,794
Total Funding: Administrative Operations and Affiliates			\$142,974,979	\$143,004,194

Operating Expenses (GRF line item 005321)

This GRF line item's appropriation, which accounts for about 92% of the Court's total biennial budget, is allocated for three major categories of expenditure, in order of magnitude, as follows: (1) the payment of the state portion of the salaries and benefits of over 700 judges, (2) the operating costs of the Court's administrative structure, and (3) the payment of salaries and benefits for over 250 employees of the appellate courts. For these purposes in each of FYs 2010 and 2011, the budget appropriation is \$131,055,370. These appropriations represent a \$667,108, or 0.5%, increase over the line

item's FY 2009 expenditures totaling \$130,388,262. The enacted FY 2010 and FY 2011 funding amounts appear to be sufficient for the Court to maintain the FY 2009 staffing and service levels. Roughly 90% of the line item's total annual appropriation will be allocated for personal services (the salary, wage, fringe benefit, and payroll charge costs of judges and court administrative staff).

The broader cost components that the line item's appropriation will pay for are estimated in Table 4 below, followed by a brief description of each component.

Components	Estimated Annual GRF Cost
Judges' Salaries	\$84.0 million
Courts of Appeals Staff	\$23.0 million
Supreme Court Administrative Operations	\$24.1 million
Total	\$131.1 million

Judicial salaries. This component compensates three distinct groups of judicial personnel as follows:

1. The state's portion of the salaries and benefits of the justices and judges of certain Ohio courts: seven justices of the Supreme Court (state share 100%), 69 judges of the courts of appeals (state share 100%), 394 judges of the courts of common pleas (state share 90%), and 256 judges of the municipal and county courts (state share 45%).
2. Each of the 88 clerks of the court of common pleas is provided additional compensation equal to one-eighth of the annual amount of that clerk for acting as the clerk of the court of appeals.
3. Each retired judge sitting on a court of common pleas or a court of appeals is paid a per diem for each calendar day worked. The Chief Justice is vested with the authority to temporarily assign a judge to serve in a court.

Courts of appeals support staff. This component funds 100% of the salaries and fringe benefits for an estimated 290-plus staff of the state's 12 courts of appeals.

Supreme Court administrative operations. This component funds the Court's administrative structure, including the following divisions: Administrative, Clerk, Legal Resources, Judicial and Court Services, Fiscal and Management Resources, Information Technology, and Facilities Management. There are an estimated 230 total full-time equivalent (FTE) staff positions associated with these divisions of the Court's administrative structure.

State Criminal Sentencing Council (GRF line item 005401)

This GRF line item pays for the operating expenses of the State Criminal Sentencing Council. The budget appropriates \$206,770 to this line item in each of FYs 2010 and 2011, an \$83,905, or 28.9%, decrease from its FY 2009 expenditures totaling \$290,675. The manner in which this reduced level of funding will affect staffing and service levels is uncertain.

The Council, created pursuant to section 181.21 of the Revised Code, is a 31-member body 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.

Law-Related Education (GRF line item 005406)

An ongoing temporary law provision requires the entire amount appropriated in each fiscal year to this GRF line item be distributed to the Ohio Center for Law-Related Education, a nonprofit organization, 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 budget appropriates \$236,172 to this line item in each of FYs 2010 and 2011, identical to the FY 2009 amount disbursed for this purpose.

Ohio Courts Technology Initiative (GRF line item 005409)

This GRF line item's appropriation, \$4,000,000 in FY 2010 and \$4,250,000 in FY 2011, provides funding to continue facilitating the exchange of information and warehousing of data by and between Ohio courts and other justice system partners, more specifically the creation and continuing development of the Ohio Courts Network (OCN).

Legal Education Opportunity (GRF line item 005502)

This GRF line item is used to fund activities introducing and providing educational opportunities to certain students interested in the legal system. The budget appropriated no funds for this purpose.

Federal Grants (FED line item 005603)

This line item is used to expend federal grants that are awarded either directly to the Court by the federal government, e.g., the U.S. Department of Health and Human Services, or indirectly through other entities, e.g., the Ohio Department of Job and

Family Services or the Ohio Department of Public Safety's Division of Criminal Justice Services.

For the line item's FY 2010 and FY 2011 appropriation, the Court received appropriations of \$2,137,866 and \$1,917,081, respectively, largely, it appears, for the following two purposes:

- The Ohio Summit on Children, an ongoing initiative supporting collaborations between juvenile court judges, children services agency directors, representatives of local funding authorities, school systems, and service providers.
- Ohio's Response to the Child and Family Services Review, a Supreme Court of Ohio project designed to improve both local practice in abuse, neglect, and dependency cases and the state's Children and Family Service Review (CFSR) performance review, a federally conducted evaluation of Ohio's compliance with standards in protecting children and finding safe, permanent homes for those who have suffered abuse or neglect.

Attorney Services (SSR line item 005605)

This fee-supported SSR line item is used to pay for various services and activities of the Court, including, but not limited to, the Office of Disciplinary Counsel, the Board of Commissioners on Grievances and Discipline, the Clients' Security Fund, and the Attorney Services Division. The budget appropriates \$3,704,659 in each of FYs 2010 and 2011 for these purposes, most of which is likely to be allocated for personal services (wages, salaries, fringe benefits, and payroll charges).

Grants and Awards (SSR line item 005609)

This SSR line item is used to distribute grants and awards that the Court has received for a designated purpose or purposes. As the purposes for which recent grants and awards were received have largely been completed, the Court requested and received an appropriation of \$50,000 in each of FYs 2010 and 2011. These appropriations represent a decrease from an elevated level of FY 2006-FY 2009 expenditure activity driven primarily by \$240,000 in funding awarded by the Ohio Bar Foundation to undertake art projects at the home of the Supreme Court and its administrative operations – the Ohio Judicial Center at 65 South Front Street in Columbus.

Continuing Judicial Education (GSF line item 005601)

This fee-supported GSF line item is used to pay for the expense of providing continuing education courses to judges and other court personnel. The budget appropriates \$300,000 in each of FYs 2010 and 2011 for this purpose.

Supreme Court Admissions (SSR line item 005606)

This fee-supported SSR line item is used primarily to pay expenses associated with administering the Attorney Admissions Program. The budget appropriates \$1,284,142 in each of FYs 2010 and 2011 for this purpose.

Permanent Law Changes

Summarized below are provisions in the budget amending current law as it relates to the operation of courts in Ohio.

Annual Compensation of Judges

Prior law is amended to specify that the annual salary increases of the Supreme Court Chief Justice, Supreme Court justices, appeals court judges, common pleas court judges, full and part-time municipal court judges, and county judges be paid with reference to a year, not with reference to a calendar year. (A "calendar year" is the period January through December. A "year," by contrast, is any 12-month period.) From a fiscal perspective, this provision may produce a savings effect, as it appears to make it easier for staff to process the payment of judicial salaries.

Supreme Court Filing Fee

Prior law is amended to:

- Increase from \$40 to \$100 the filing fee charged by the clerk of the Supreme Court for each case entered upon its docket;
- Provide that the filing fees so charged and collected are in full for each case filed in the Supreme Court under its Rules of Practice;
- Preclude charging a filing fee or security deposit to an indigent party upon the Supreme Court's determination of indigency pursuant to its Rules of Practice;
- Repeal current provisions specifically exempting a prosecutor from being charged the filing fee under specified circumstances; and
- Request the Supreme Court to modify its rule regarding filing fees and security deposits to be consistent with the previously described provision.

The filing fee increase is estimated to generate an additional \$84,000 to be deposited in the state treasury to the credit of the GRF. The repeal of the filing fee exemption for prosecutors is not expected to have any fiscal effect, as the Court intends to continue the current practice of not charging a prosecutor a filing fee.

Reimbursement of Compensation of Substitute Judges in Certain Courts

Prior law is amended to eliminate the requirement that the Supreme Court reimburse a county for the compensation of a substitute municipal court judge who is not appointed by the Chief Justice of the Supreme Court and for the compensation of a

substitute county court judge. This change may save the Supreme Court approximately \$540,000 annually in GRF moneys that might otherwise have been used to reimburse counties for the compensation paid to substitute judges.

Pay Period for Certain Municipal Court Clerks

Prior law is amended to change the pay period for the clerks of municipal courts other than those of Auglaize, Brown, Hamilton, Holmes, Lorain, Portage, and Wayne counties to either semimonthly or biweekly, as determined by the payroll administrator. This change creates a potential savings effect, as it appears to give certain administrators greater flexibility in the handling of certain payroll matters.

Lorain County Court of Common Pleas

Prior law is changed to provide that, as of September 29, 2009, the judge of the Lorain County Court of Common Pleas, Division of Domestic Relations, whose term began on February 9, 2009, is the probate judge of the Lorain County Probate Court and that successors to that judge must be elected as the judge of the probate division of that court. Absent this change, it appears that Lorain County may have incurred significant one-time transitional costs as a result of being required to merge the probate and domestic relations divisions of the Lorain County Court of Common Pleas.

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FY 2010 - 2011 Final Appropriation Amounts

All Fund Groups

<i>Line Item Detail by Agency</i>			<i>FY 2008</i>	<i>FY 2009</i>	<i>FY 2010 Appropriations</i>	<i>% Change FY09 - FY10</i>	<i>FY 2011 Appropriations</i>	<i>% Change FY10 - FY11</i>
Report For: Main Operating Appropriations Bill			Version: Enacted					
JSC	Judiciary / Supreme Court							
GRF	005321	Operating Expenses - Judiciary/Supreme Court	\$ 126,958,500	\$ 130,388,262	\$ 131,055,370	0.51%	\$ 131,055,370	0.00%
GRF	005401	State Criminal Sentencing Council	\$ 200,528	\$ 290,675	\$ 206,770	-28.87%	\$ 206,770	0.00%
GRF	005406	Law-Related Education	\$ 229,290	\$ 236,172	\$ 236,172	0.00%	\$ 236,172	0.00%
GRF	005409	Ohio Courts Technology Initiative	\$ 973,173	\$ 3,654,410	\$ 4,000,000	9.46%	\$ 4,250,000	6.25%
GRF	005502	Legal Education Opportunity	\$ 49,317	\$ 546,692	\$ 0	-100.00%	\$ 0	N/A
General Revenue Fund Total			\$ 128,410,809	\$ 135,116,211	\$ 135,498,312	0.28%	\$ 135,748,312	0.18%
6720	005601	Continuing Judicial Education	\$ 97,540	\$ 57,442	\$ 300,000	422.26%	\$ 300,000	0.00%
General Services Fund Group Total			\$ 97,540	\$ 57,442	\$ 300,000	422.26%	\$ 300,000	0.00%
3J00	005603	Federal Grants	\$ 1,152,597	\$ 1,873,888	\$ 2,137,866	14.09%	\$ 1,917,081	-10.33%
Federal Special Revenue Fund Group Total			\$ 1,152,597	\$ 1,873,888	\$ 2,137,866	14.09%	\$ 1,917,081	-10.33%
4C80	005605	Attorney Services	\$ 3,342,572	\$ 3,367,562	\$ 3,704,659	10.01%	\$ 3,704,659	0.00%
5T80	005609	Grants and Awards	\$ 63,157	\$ 65,921	\$ 50,000	-24.15%	\$ 50,000	0.00%
6A80	005606	Supreme Court Admissions	\$ 1,138,395	\$ 1,125,670	\$ 1,284,142	14.08%	\$ 1,284,142	0.00%
State Special Revenue Fund Group Total			\$ 4,544,124	\$ 4,559,154	\$ 5,038,801	10.52%	\$ 5,038,801	0.00%
Judiciary / Supreme Court Total			\$ 134,205,070	\$ 141,606,694	\$ 142,974,979	0.97%	\$ 143,004,194	0.02%