

# **LSC Greenbook**

**Analysis of the Enacted Budget**

## **Court of Claims**

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**ATTACHMENT:**

Budget Spreadsheet By Line Item

# Court of Claims

- Appropriations support maintenance of FY 2011 service and activity levels
- Cost savings expected from staff attrition

## OVERVIEW

### Duties and Responsibilities

The Court of Claims, established in 1975, is the only statutory court with statewide jurisdiction. Prior to its creation, there was no forum for civil actions filed against the state of Ohio. The Court of Claims' duties and responsibilities include:

1. Adjudicating civil actions filed against the state;
2. Hearing appeals from decisions made by the Attorney General on claims allowed under the Victims of Crime Law; and
3. Acting as the state's fiduciary agent for processing claims of wrongful imprisonment.

### Appropriation Summary

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

Fund Group	FY 2011*	FY 2012	% change, FY 2011-FY 2012	FY 2013	% change, FY 2012-FY 2013
General Revenue	\$6,588,092	\$2,573,508	-60.9%	\$2,501,052	-2.8%
State Special Revenue	\$1,345,351	\$1,582,684	17.6%	\$1,582,684	0.0%
<b>TOTAL</b>	<b>\$7,933,443</b>	<b>\$4,156,192</b>	<b>-47.6%</b>	<b>\$4,083,736</b>	<b>-1.7%</b>

\*FY 2011 figures represent actual expenditures.

The Court is funded through two primary funding sources: (1) money appropriation from the General Revenue Fund (GRF) and (2) State Special Revenue (SSR) funds, specifically cash transferred from the Victims of Crime/Reparations Fund (Fund 4020), which is used primarily by the Office of the Attorney General. Each source of funding is dedicated to supporting the primary functions of the Court, including administering the civil docket (GRF) and overseeing the appeals of victims of crime applications (SSR), respectively.

In Table 1 above, the notable decrease of almost 61% in the GRF component of the Court's budget from the actual FY 2011 expenditures to the FY 2012 appropriation is largely attributable to nearly \$3.7 million in wrongful imprisonment compensation payments. When onetime payments are subtracted from the Court's actual FY 2011

expenditures, the percent change to the FY 2012 appropriation drops to about a 12% decrease.

### Staffing and Compensation

Tables 2 and 3 below display staffing levels in terms of full-time equivalent (FTEs) positions maintained by the Court from FYs 2005 through 2013. Table 2 reflects the number of FTEs for the Court's two major divisions: Civil and Victims of Crime. Table 3 represents FTEs by type of appointment. It should be noted that a number of employees are part time. For this reason, the numbers may not illustrate a physical portrayal (i.e., head count) of the Court's staffing.

Division	2005	2006	2007	2008	2009	2010	2011	2012*	2013*
Civil	23.3	24.6	23.6	22.9	23.9	23.1	23.5	21.2	21.2
Crime Victims	11.5	11.8	12.0	11.7	11.6	10.7	11.8	10.6	10.8
<b>Totals</b>	<b>34.8</b>	<b>36.4</b>	<b>35.6</b>	<b>34.6</b>	<b>35.5</b>	<b>33.8</b>	<b>35.3</b>	<b>31.8</b>	<b>32.0</b>

\*The staffing levels displayed in the above table represent full-time equivalents (FTEs). FYs 2012 and 2013 are estimates.

**Judges.** The Court resides in Franklin County and consists of judges who sit by temporary assignment of the Chief Justice of the Supreme Court. The Chief Justice may appoint incumbent justices or judges of the Supreme Court, courts of appeals, or courts of common pleas, or retired justices or judges eligible for active duty pursuant to Division (C) of Section 6 of Article IV of the Ohio Constitution. The appointments to the Court are temporary, lasting roughly three months. Many of the judges, however, are reappointed for multiple terms.

**Commissioners.** In addition to its judges, the Court also has six commissioners who are appointed by the Supreme Court of Ohio for six-year terms. These commissioners are responsible for hearing and determining crime victims' appeals. Commissioners are not required to have previous judicial experience, but are required to be lawyers with three years of work experience.

Appointment Types	2007	2008	2009	2010	2011	2012*	2013*
Permanent Staff	29.5	29.0	28.9	29.3	28.5	27.5	27.5
Temporary Staff	1.0	0.9	1.6	0.7	1.8	0.0	0.0
Commissioners	3.7	3.4	3.6	2.7	3.6	2.9	3.1
Judges	1.5	1.3	1.5	1.1	1.4	1.4	1.4
<b>Totals</b>	<b>35.7</b>	<b>34.6</b>	<b>35.5</b>	<b>33.8</b>	<b>35.3</b>	<b>31.8</b>	<b>32.0</b>

\*The staffing levels displayed in the above table represent full-time equivalents (FTEs). FYs 2012 and 2013 are estimates.

The compensation levels of approximately 15% of the Court of Claims' employees are set either by the Ohio Revised Code or the Supreme Court of Ohio.<sup>1</sup> For the remainder, compensation levels are set upon delegated authority granted to the clerk by the Supreme Court. Judges and referees are paid on a per diem basis. Cumulative per diem costs can vary from year to year depending on the number of cases filed with the Court of Claims and how many of those cases are heard by a single judge/referee or if a panel of three judges/referees are appointed to a case because of its complexity. Table 4 below illustrates the employees whose salaries are set either by the Revised Code or the Supreme Court.

While the Clerk has discretionary power with respect to determining most salary costs, all budgetary matters including the Court's payroll line item are discussed quarterly with the Administrative Director of the Supreme Court.

<b>Employee Title</b>	<b>R.C. Statutory Authority</b>	<b>Compensation Type</b>	<b>Current Salary/Per Diem Rate</b>	<b>Funding Source</b>
Judges	2743.04	Per diem, based on the current salary of a judge of a court of appeals, plus travel expenses if the judge resides outside of Franklin County*	\$528 per day	GRF
Magistrates (Referees)**	2743.03(C)(3)	Per diem, plus expenses (if a panel of three magistrates is appointed, the salary and expenses of the remaining two is taxed as costs of the case)	\$528 per day	GRF***
Commissioners	2743.54(B)	Hourly rate, plus expenses if the commissioner resides outside of Franklin County (set by the Supreme Court)	\$40 per hour	Court of Claims Victims of Crime Fund (Fund 5K20)

\*This per diem arrangement applies to retired judges (which currently is the case). If, however, an incumbent judge is appointed, the per diem is equal to that allowed a retired judge less a per diem amount computed on his/her annual compensation.

\*\*Magistrates (referees) specialize in disputes arising between the state and a contractor concerning the terms of a public improvement contract.

\*\*\*Potentially supplemented by parties to a case if certain conditions are met.

### **Wrongful Imprisonment Claims (GRF line item 015402)**

The Court of Claims acts as the state's fiduciary agent for processing claims of wrongful imprisonment. When a wrongful imprisonment judgment has been journalized in a court of common pleas, the Controlling Board, upon certification by the Court of Claims, transfers the sum necessary to pay that judgment to the Court's GRF line item 015402, Wrongful Imprisonment Compensation.

<sup>1</sup> R.C. 2743.08 requires that the Supreme Court fix the compensation to be paid the clerk and deputy clerks, court reporters, secretaries, and clerical personnel employed by the Court of Claims.

Since the Controlling Board provides the money for such judgments on an as-needed basis, the Court's line item does not receive a direct appropriation through the main operating appropriations act enacted by each General Assembly. However, once the expenditure is made, the amounts are tracked as spending by the Court.

Table 5 below, shows the total amount of money that the Court has disbursed annually to make wrongful imprisonment payment settlements from FYs 2000 through 2011.

<b>Table 5. Wrongful Imprisonment Settlement Disbursements, FYs 2000-2011</b>	
<b>Fiscal Year</b>	<b>Total Disbursed</b>
2000	\$75,501
2001	\$841,237
2002	\$0
2003	\$0
2004	\$2,036,990
2005	\$0
2006	\$2,357,877
2007	\$4,260,000
2008	\$0
2009	\$772,316
2010	\$1,088,396
2011	\$3,664,717

## **ANALYSIS OF ENACTED BUDGET**

This section provides a more detailed discussion of the appropriations that finance the Court's handling of civil cases and victims of crime appeals. The FY 2012 and FY 2013 appropriations for the Court's two primary funding mechanisms are shown in Table 6 below.

<b>Table 6. Court Appropriations by Line Item, FY 2012-FY 2013</b>				
<b>Fund</b>	<b>ALI and Name</b>		<b>FY 2012</b>	<b>FY 2013</b>
<b>General Revenue Fund (GRF)</b>				
GRF	015321	Operating Expenses	\$2,573,508	\$2,501,052
<b>State Special Revenue Fund (SSR) Group</b>				
5K20	015603	CLA Victims of Crime	\$1,582,684	\$1,582,684
<b>Total Funding: Court of Claims</b>			<b>\$4,156,192</b>	<b>\$4,083,736</b>

### **Operating Expenses (GRF line item 015321)**

The expenses of operating the Court, primarily the Court's Civil Division, are paid with money appropriated to this GRF line item. The Court's FY 2012 GRF appropriation of \$2,573,350 represents nearly a 12.0% reduction from the FY 2011 expenditures. The FY 2013 appropriation of \$2,501,052 is a further decrease of 2.8%. Through staff attrition and other cost savings measures, the Court anticipates being able to absorb this reduction in GRF appropriations and still maintain FY 2011 service and activity levels.

### **Victims of Crime Appeals (SSR line item 015603)**

This SSR line item pays for: (1) the compensation of judges of the Court of Claims necessary to hear and determine appeals from the Office of the Attorney General, and (2) the compensation of any personnel of the Court of Claims needed to administer R.C. 2743.51 to 2743.72. Its appropriation is supported by cash transferred by the Office of Budget and Management (OBM) from the Victims of Crime/Reparations Fund (Fund 4020), which is used primarily by the Office of the Attorney General.

For FYs 2012 and 20113, the budget appropriates to the line item identical amounts of \$1,582,684, which represent an increase of 17.6%, or \$237,333, over the actual FY 2011 expenditures totaling \$1,345,351. Since FY 2006, the Court has consistently expended between \$220,000 and \$360,000 less than the appropriated amount in each fiscal year.

**FY 2012 - FY 2013 Final Appropriation Amounts**

**All Fund Groups**

Line Item Detail by Agency			FY 2010	FY 2011	Appropriations FY 2012	FY 2011 to FY 2012 % Change	Appropriations FY 2013	FY 2012 to FY 2013 % Change
<b>Report For Main Operating Appropriations Bill</b>			<b>Version: Enacted</b>					
<b>CLA Court of Claims</b>								
GRF	015321	Operating Expenses	\$ 2,670,384	\$ 2,923,375	\$ 2,573,508	-11.97%	\$ 2,501,052	-2.82%
GRF	015402	Wrongful Imprisonment Compensation	\$ 1,088,396	\$ 3,664,717	\$ 0	-100.00%	\$ 0	N/A
<b>General Revenue Fund Total</b>			<b>\$ 3,758,780</b>	<b>\$ 6,588,092</b>	<b>\$ 2,573,508</b>	<b>-60.94%</b>	<b>\$ 2,501,052</b>	<b>-2.82%</b>
5K20	015603	CLA Victims of Crime	\$ 1,226,348	\$ 1,345,351	\$ 1,582,684	17.64%	\$ 1,582,684	0.00%
<b>State Special Revenue Fund Group Total</b>			<b>\$ 1,226,348</b>	<b>\$ 1,345,351</b>	<b>\$ 1,582,684</b>	<b>17.64%</b>	<b>\$ 1,582,684</b>	<b>0.00%</b>
<b>Court of Claims Total</b>			<b>\$ 4,985,127</b>	<b>\$ 7,933,443</b>	<b>\$ 4,156,192</b>	<b>-47.61%</b>	<b>\$ 4,083,736</b>	<b>-1.74%</b>