

LSC Greenbook

Analysis of the Enacted Budget

Court of Claims

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ATTACHMENT:

Budget Spreadsheet By Line Item

Court of Claims

- Service levels to be maintained
- Payroll-related expenses roughly 80% of total budget
- Crime victim appeals declining

OVERVIEW

Agency Overview

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 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 Overview

Table 1 below summarizes the Court's budget by fund group. It is funded primarily by money appropriated from the General Revenue Fund (GRF) and secondarily by 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.

**Table 1. Court of Claims Appropriations by Fund Group, FY 2014-FY 2015
(Am. Sub. H.B. 59)**

Fund Group	FY 2013*	FY 2014	% change, FY 2013-FY 2014	FY 2015	% change, FY 2014-FY 2015
General Revenue	\$2,829,326	\$2,501,052	-11.6%	\$2,501,052	0.0%
State Special Revenue	\$659,149	\$415,556	-37.0%	\$415,953	0.1%
TOTAL	\$3,488,475	\$2,916,608	-16.4%	\$2,917,005	0.0%

*FY 2013 figures represent actual expenditures.

Roughly 80% of its total biennial appropriation is likely to be allocated for personal services, which represents the payroll-related expenses associated with the equivalent of around 21 full-time staff positions (salaries, wages, fringe benefits, and other payroll charges).

Of note in Table 1 above is the 37.0% decrease in the SSR component of the Court's budget from actual FY 2013 expenditures totaling \$659,149 to the FY 2014 appropriation of \$415,556. This is largely attributable to the decrease in appeals made by applicants to the victims of crime program and certain staff restructuring.

Staffing

Tables 2 and 3 below display staffing levels in terms of full-time equivalent (FTEs) staff positions maintained by the Court from FY 2007 projected through FY 2015. Table 2 reflects the number of FTE 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.

As shown in Table 2, staffing levels have been steadily decreasing since FY 2011. These decreases have been most noticeable in the Victims of Crime Section. As civil case filings and victims of crime appeals have decreased, so has the need for staff. Staff reductions have been made through attrition and early retirement initiatives. Two information technology (IT) positions were also eliminated and those job duties were absorbed by an independent vendor. The Supreme Court has offered to share their IT resources as necessary.

Division	2007	2008	2009	2010	2011	2012	2013*	2014*	2015*
Civil	23.6	22.9	23.9	23.1	23.5	21.2	17.3	19.0	19.0
Crime Victims	12.0	11.7	11.6	10.7	11.8	10.6	6.2	2.3	2.3
TOTAL	35.6	34.6	35.5	33.8	35.3	31.8	23.5	21.3	21.3

*The staffing levels displayed in the above table represent full-time equivalents (FTEs). FYs 2013 through 2015 are projections.

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. Combined, the work of these six commissioners is equal to approximately three full-time employees. 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. The Court is considering

the elimination of these commissioners and transferring their workload to an existing magistrate. In order to do this however, a legislative change would be needed (not included in the budget). The Court did not request, and did not receive, funding for these commissioner positions.

Appointment Types	2007	2008	2009	2010	2011	2012	2013*	2014*	2015*
Permanent Staff	29.5	29.0	28.9	29.3	28.5	27.5	27.5	18.0	18.0
Temporary Staff	1.0	0.9	1.6	0.7	1.8	0.0	0.0	1.9	1.9
Commissioners	3.7	3.4	3.6	2.7	3.6	2.9	3.1	0.0	0.0
Judges	1.5	1.3	1.5	1.1	1.4	1.4	1.4	1.4	1.4
TOTAL	35.7	34.6	35.5	33.8	35.3	31.8	32.0	21.3	21.3

*The staffing levels displayed in the above table represent full-time equivalents (FTEs). FYs 2013 through 2015 are projections.

ANALYSIS OF ENACTED BUDGET

The line items, and related appropriations, that will finance the Court's handling of civil cases and victims of crime appeals in FY 2014 and FY 2015 are shown in Table 4 below. The table is followed by a description of the purpose for which those appropriations will be used. Also discussed is the Court's role in wrongful imprisonment settlements, which are funded on an as-needed basis.

Table 4. Court of Claims Appropriations by Line Item, FY 2014-FY 2015				
Fund	ALI and Name		FY 2014	FY 2015
General Revenue Fund (GRF)				
GRF	015321	Operating Expenses	\$2,501,052	\$2,501,052
State Special Revenue Fund (SSR) Group				
5K20	015603	CLA Victims of Crime	\$415,556	\$415,953
Total Funding: Court of Claims			\$2,916,608	\$2,917,005

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. For both FY 2014 and FY 2015, the line item's appropriation is \$2,501,052, a \$50,854, or 2.1%, decrease from actual FY 2013 expenditures of \$2,450,198. These amounts are projected to cover the payroll-related expenses of around 19 FTEs plus related supplies and maintenance and equipment costs.

The Court's Civil Division is responsible for hearing all civil claims filed against the state of Ohio and its agencies. These claims are classified as either administrative determinations or judicial cases. Administrative determinations involve claims that are valued at \$10,000 or less and are typically resolved by the clerk without a hearing. Judicial cases are handled by a Court of Claims judge or magistrate and resolved through a judicial hearing. In 2012, 54% of the claims were administratively determined. In the preceding ten years, administratively determined claims averaged closer to 60%.

Victims of Crime Appeals (SSR line item 015603)

This SSR line item pays for the payroll-related expenses of judges and other personnel of the Court of Claims necessary to hear and determine appeals from the Office of the Attorney General plus related supplies and maintenance and equipment costs. Its appropriation is supported by cash transferred by the Office of Budget and Management from the Victims of Crime/Reparations Fund (Fund 4020), which is used by the Office of the Attorney General.

The line item's appropriations – \$415,556 in FY 2014 and \$415,953 in FY 2015 – represent decreases of approximately \$243,500, or 37.0%, from FY 2013 actual expenditures of \$659,149. According to Court staff, these decreases represent a more accurate picture of its funding needs, and is due, in part, to a decline in the number of crime victim appeals. In 2012, 59 appeals were filed. In the preceding three years, appeals averaged close to 100.

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 rendered 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. 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 to make wrongful imprisonment settlements from FYs 2000 to 2013.

Fiscal Year	Total Disbursed
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
2012	\$549,628
2013	\$379,128

The budget includes a provision related to the payment of wrongful imprisonment claims in certain circumstances. Specifically the budget modifies prior

law by providing that if an individual at the time of the wrongful imprisonment was serving concurrent sentences on other convictions that were not vacated, dismissed, or reversed on appeal, the individual is not eligible for compensation for any portion of the wrongful imprisonment that occurred during such a concurrent sentence. This modification could result in some reduction in compensation payments to certain wrongfully imprisoned individuals in the future. The potential magnitude of this reduction however is unknown as such claims, both in number, award amount, and circumstances of imprisonment, vary greatly from year to year.

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FY 2014 - FY 2015 Final Appropriation Amounts

All Fund Groups

Line Item Detail by Agency

			FY 2012	FY 2013	Appropriation FY 2014	FY 2013 to FY 2014 % Change	Appropriation FY 2015	FY 2014 to FY 2015 % Change
Report For Main Operating Appropriations Bill			Version: Enacted					
CLA Court of Claims								
GRF	015321	Operating Expenses	\$ 2,420,052	\$ 2,450,198	\$ 2,501,052	2.08%	\$ 2,501,052	0.00%
GRF	015402	Wrongful Imprisonment Compensation	\$ 549,628	\$ 379,128	\$0	N/A	\$0	N/A
General Revenue Fund Total			\$ 2,969,680	\$ 2,829,326	\$ 2,501,052	-11.60%	\$ 2,501,052	0.00%
5K20	015603	CLA Victims of Crime	\$ 1,053,868	\$ 659,149	\$ 415,556	-36.96%	\$ 415,953	0.10%
State Special Revenue Fund Group Total			\$ 1,053,868	\$ 659,149	\$ 415,556	-36.96%	\$ 415,953	0.10%
Court of Claims Total			\$ 4,023,548	\$ 3,488,475	\$ 2,916,608	-16.39%	\$ 2,917,005	0.01%