

LSC Greenbook

Analysis of the Enacted Budget

Judiciary/Supreme Court

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ATTACHMENT:

Budget Spreadsheet By Line Item

Judiciary/ Supreme Court

- 95% GRF-funded
- Roughly 75% of GRF to pay for salaries of judges and courts of appeals staff
- \$6.7 million GRF earmarked for courts technology initiative

OVERVIEW

Agency Overview

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 cases arising under the U.S. Constitution or the Ohio Constitution, cases originating in the courts of appeals, cases in which there have been conflicting opinions on the same question from courts of appeals, cases involving the death penalty, and appeals arising from the actions of certain administrative agencies.
- 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 Supreme Court's budget by fund group.

Fund Group	FY 2013*	FY 2014	% change, FY 2013-FY 2014	FY 2015	% change, FY 2014-FY 2015
General Revenue	\$132,681,025	\$141,602,706	6.7%	\$143,818,909	1.6%
General Services	\$257,745	\$101,392	-60.7%	\$93,563	-7.7%
State Special Revenue	\$6,177,801	\$5,512,852	-10.8%	\$5,529,746	0.3%
Federal Special Revenue	\$1,180,755	\$1,235,900	4.7%	\$1,252,600	1.4%
TOTAL	\$140,297,326	\$148,452,850	5.8%	\$150,694,818	1.5%

*FY 2013 figures represent actual expenditures.

To support the Court's services and activities, the budget appropriates \$148.5 million in FY 2014, an increase of 5.8%, or \$8.2 million, from FY 2013 actual expenditures of \$140.3 million. For FY 2015, the budget appropriates \$150.7 million, an increase of 1.5%, or \$2.2 million, from the FY 2014 appropriation. Also of note is that the Court is primarily a GRF-funded state judicial entity, in that the GRF pays for around 95% of the cost of its activities and services. Additionally, of the \$140-plus million in GRF appropriated for FY 2014 and FY 2015, around \$111 million, or roughly 75% will likely be allocated for the salaries and benefits of 700-plus active judges and almost 300 appellate court staff.

Employee Count

Table 2 below summarizes the number of personnel paid by the Court from FY 2012 projected through FY 2015, 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, FY 2012-FY 2015				
Fund/Line Item	FY 2012	FY 2013	FY 2014*	FY 2015*
GRF/005321				
Judges/Clerks	812	812	812	812
Courts of Appeals Staff	283	284	284	284
Supreme Court Staff	207	208	216	218
Intermittent RAJs**	96	106	106	106
GRF/005321 Subtotal	1,398	1,410	1418	1420
Gsf/005601	2	2	1	1
FED/005603	1	1	2	2
SSR/005605	40	40	40	40
SSR/005606	8	8	8	8
TOTAL	1,449	1,461	1,469	1,471

*FY 2014-FY 2015 are Court provided estimates.

**RAJ denotes retired assigned judges.

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 and the planned allocation of those FY 2014 and FY 2015 appropriations.

Table 3. Appropriations for Administrative Operations and Affiliates				
Fund	ALI and Name		FY 2014	FY 2015
General Revenue Fund (GRF)				
GRF	005321	Operating Expenses – Judiciary/Supreme Court	\$138,016,534	\$140,232,737
GRF	005406	Law-Related Education	\$236,172	\$236,172
GRF	005409	Ohio Courts Technology Initiative	\$3,350,000	\$3,350,000
General Revenue Fund Subtotal			\$141,602,706	\$143,818,909
General Services Fund (GSF) Group				
6720	005601	Continuing Judicial Education	\$101,392	\$93,563
Federal Special Revenue (FED) Fund Group				
3J00	005603	Federal Grants	\$1,235,900	\$1,252,600
State Special Revenue (SSR) Fund Group				
4C80	005605	Attorney Services	\$3,923,101	\$3,915,721
5HT0	005617	Court Interpreter Certification	\$23,000	\$23,000
5JY0	005620	County Law Library Resources Board	\$258,000	\$258,000
5T80	005609	Grants and Awards	\$25,000	\$25,000
6A80	005606	Supreme Court Admissions	\$1,283,751	\$1,308,025
State Special Revenue Fund Group Subtotal			\$5,512,852	\$5,529,746
Total Funding: Administrative Operations and Affiliates			\$148,452,850	\$150,694,818

Operating Expenses (GRF line item 005321)

This GRF line item's appropriation, which accounts for 93.0% of the Court's total biennial budget, is allocated for three major expenditure categories, in order of magnitude, as follows: (1) the payment of the state portion of the salaries and benefits of 724 judges, (2) the operating costs of the Court's administrative structure, and (3) the payment of salaries and benefits for almost 300 employees of the appellate courts. For these purposes in each of FYs 2014 and 2015, the budget appropriates \$138.0 million and \$140.2 million, respectively. Almost 95% of the line item's appropriation in each

year will be allocated for personal services (the salary, wage, fringe benefit, and payroll charge costs of judges and court administrative staff).

The broader components into which these specific types of expenditures fit are summarized in Table 4 below; it is followed by a brief description of each component.

Components	Estimated FY 2014 GRF Cost	Estimated FY 2015 GRF Cost
Judges' Salaries	\$84,291,118	\$84,778,532
Court of Appeals Staff	\$26,377,686	\$26,740,307
Supreme Court Administrative Operations	\$27,347,730	\$28,713,898
TOTAL	\$138,016,534	\$140,232,737

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 254 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; and
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.¹

Courts of appeals support staff. This component funds 100% of the salaries and fringe benefits for nearly 300 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 206 total full-time equivalent (FTE) staff positions associated with these divisions of the Court's administrative structure.

The budget also contains a temporary law provision earmarking up to \$206,770 of the line item's appropriation in each fiscal year for supporting the functions of the

¹ The reasons for such assignments are as follows: (1) an over-burdened docket or extended trial anticipated to disrupt the court's docket, (2) recusals for conflict of interest, (3) illness, emergency, vacation, and continuing education, and (4) an extraordinary circumstance.

State Criminal Sentencing Council. The Council, created pursuant to R.C. 181.21, 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)

GRF line item 005406, Law-Related Education, is the funding source for the Ohio Center for Law-Related Education, a nonprofit organization. The budget appropriates \$236,172 for each of FY 2014 and FY 2015, amounts that are identical to the amount expended in FY 2013. A related ongoing temporary law provision requires the entire appropriated amount in each fiscal year be distributed 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.

Ohio Courts Technology Initiative (GRF line item 005409)

This GRF line item's appropriation provides funding to facilitate 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). The budget appropriates \$3,350,000 in each of FY 2014 and FY 2015, an increase of 67.2%, or \$1,346,485, from FY 2013 actual expenditures of \$2,003,515. Virtually all of the FY 2014-FY 2015 funding will be allocated for personal services contracts.

The OCN now has 269 courts connected, representing 71.7% of the court case volume statewide. In addition, there are 36 courts, representing 17.3% of the court case volume, in various stages of testing and/or loading into the OCN system. Over the next biennium, the OCN will continue to connect the remaining courts as they become technically capable of submitting case data. This will represent a transition of the OCN from a rollout to maintenance phase. During this phase, new search features and custom user reports will be added. Finally, the Supreme Court will continue its work with the Attorney General's Bureau of Criminal Investigation (BCI) to use OCN to streamline the reporting of court case dispositions to BCI's computerized criminal history database.

A related temporary law provision requires the line item be used to fund: (1) 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 OCN, (2) 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 (3) the 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.

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 \$101,392 in FY 2014 and \$93,563 in FY 2015. These appropriated funds are typically allocated for a mix of personal services expenses and supplies and maintenance.

A related ongoing temporary law provision: (1) requires that the Continuing Judicial Education Fund (Fund 6720), which supports the line item's appropriation, consist of fees paid by judges and court personnel for attending continuing education courses and other gifts and grants received for the purpose of continuing judicial education, (2) requires the line item be used to pay expenses for continuing education courses for judges and court personnel, (3) increases the line item's appropriation if deemed necessary by the Administrative Director of the Court, (4) prohibits the Director of Budget and Management or the Controlling Board from transferring money from Fund 6720 to any other fund, and (5) requires any interest earned on the fund's money be credited to the fund.

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

For the line item's FY 2014 and FY 2015 appropriations, the budget appropriates \$1,235,900 and \$1,252,600, respectively. Between 50% and 75% of the appropriated funds in any given year are typically allocated for purchased personal services. The remainder is allocated for a mix of maintenance and supplies, payroll-related expenses, and subsidies.

These appropriated funds will largely be used for the following purposes:

- An ongoing initiative supporting collaborations between juvenile court judges, children service 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;
- The Court Improvement Program, which was awarded money to enable state courts to conduct assessments of their foster care and adoption laws, judicial processes, and to develop and implement plans for system improvement. These improvements must provide for the safety, well-being, and permanence of children in foster care, and assist in the implementation of Program Improvement Plans developed by state child welfare agencies as a result of the federal Child and Family Services and Title IV-E Foster Care Eligibility Reviews; and
- The Court Improvement Program (CIP), a federal initiative first enacted in 1993. The Deficit Reduction Act of 2005 authorized two new CIP grants: (1) for data collection and analysis, to help ensure that foster children's needs for safety, permanency, and well-being are met in a timely and complete manner and (2) for training judges, attorneys, and other legal personnel in child welfare cases and conducting cross-training with child welfare agency staff and contractors.

A related ongoing temporary law provision: (1) requires that the Federal Grants Fund (Fund 3J00), which supports the line item's appropriation, consist of grants and other money awarded to the Court by the federal government or other entities that receive money directly from the federal government, (2) requires the money deposited in Fund 3J00 be used in a manner consistent with the purpose of the grant or award, (3) increases the line item's appropriation if deemed necessary by the Administrative Director of the Court, (4) prohibits the Director of Budget and Management or the Controlling Board from transferring money from Fund 3J00 to any other fund, and (5) requires any interest earned on the fund's money be transferred or credited to the state's GRF.

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 \$3,923,101 in FY 2014 and \$3,915,721 in FY 2015. Around 90% of the appropriated funds in any given year are typically allocated for payroll-related expenses.

A related ongoing temporary law provision: (1) requires that the Attorney Services Fund (Fund 4C80), which supports the line item's appropriation, consist of money received by the Supreme Court pursuant to the Rules for the Government of the Bar of Ohio, (2) requires the line item be used to compensate employees and to fund appropriate activities of certain offices of the Supreme Court (the Office of Disciplinary Counsel, the Board of Commissioners on Grievances and Discipline, the Clients' Security Fund, and the Attorney Services Division), as well as other activities considered appropriate by the Supreme Court, (3) increases the line item's appropriation if deemed necessary by the Administrative Director of the Supreme Court, (4) prohibits the Director of Budget and Management or the Controlling Board from transferring money from Fund 4C80 to any other fund, and (5) requires any interest earned on the fund's money be credited to the fund.

Court Interpreter Certification (SSR line item 005617)

This fee-supported SSR line item provides for language experts to rate, or grade, the oral examinations of those applying to become certified court interpreters. The budget appropriates \$23,000 in each of FY 2014 and FY 2015. The appropriated amounts in any given year are typically allocated for a mix of purchased personal services and supplies and maintenance.

A related temporary law provision: (1) requires the Court Interpreter Certification Fund (Fund 5HT0), which supports the line item's appropriation, consist of money received pursuant to Rules 80 through 87 of the Rules of Superintendence for the Courts of Ohio, (2) requires money appropriated to the line item to be used to provide training, to provide the written examination, and to pay language experts to rate, or grade, the oral examinations of those applying to become certified court interpreters, (3) increases the line item's appropriation if deemed necessary by the Administrative Director of the Court, (4) prohibits the Director of Budget and Management or the Controlling Board from transferring money from Fund 5HT0 to any other fund, and (5) requires any interest earned on the fund's money be credited to the fund.

County Law Library Resources Board (SSR line item 005620)

This SSR line item, which consists of money forwarded from each county law library resources fund, provides funding for the operation of the Statewide Consortium of County Law Library Resources Boards. The budget appropriates \$258,000 in each of FY 2014 and FY 2015. This line item's appropriation will be allocated primarily for subsidies and equipment; secondarily for purchased personal services and supplies and maintenance.

A related temporary law provision: (1) requires that the Statewide Consortium of County Law Library Resources Boards Fund (Fund 5JY0) consist of moneys deposited pursuant to R.C. 307.515 into a county's law library resources fund and forwarded by that county's treasurer for deposit in the state treasury pursuant to R.C. 3375.481,

(2) requires any money appropriated to the line item be used for the operation of the Statewide Consortium of County Law Library Resources Boards, (3) increases the line item's appropriation if deemed necessary by the Administrative Director of the Court, (4) prohibits the Director of Budget and Management or the Controlling Board from transferring money from Fund 5JY0 to any other fund, and (5) requires any interest earned on the fund's money be credited to the fund.

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. The budget appropriates \$25,000 in each of FY 2014 and FY 2015.

A related ongoing temporary law provision: (1) requires that the Grants and Awards Fund (Fund 5T80), which supports the line item's appropriation, consist of grants and other money awarded to the Court by the State Justice Institute, the Division of Criminal Justice Services, or other entities, (2) requires any money appropriated to the line item be used in a manner consistent with the purpose of the grant or award, (3) increases the line item's appropriation if deemed necessary by the Administrative Director of the Court, (4) prohibits the Director of Budget and Management or the Controlling Board from transferring money from Fund 5T80 to any other fund, and (5) requires any interest earned on the fund's money be credited to the state's GRF.

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 \$1,283,751 in FY 2014 and \$1,308,025 in FY 2015. Around 50% of the line item's appropriation is typically allocated for payroll-related expenses, with the remainder allocated for a mix of purchased personal services and supplies and maintenance.

A related ongoing temporary law provision: (1) requires the line item be used to compensate Court employees who are primarily responsible for administering the Attorney Admissions Program, and to fund any other activities considered appropriate by the Court, (2) increases the line item's appropriation as deemed necessary by the Administrative Director of the Supreme Court, (3) prohibits the Director of Budget and Management or the Controlling Board from transferring money from the Supreme Court Admissions Fund (Fund 6A80), which supports the line item's appropriation, to any other fund, and (4) requires any interest earned on the fund's money be credited to the fund.

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					
JSC Judiciary / Supreme Court								
GRF	005321	Operating Expenses - Judiciary/Supreme Court	\$ 127,845,496	\$ 130,441,339	\$ 138,016,534	5.81%	\$ 140,232,737	1.61%
GRF	005406	Law-Related Education	\$ 236,172	\$ 236,172	\$ 236,172	0.00%	\$ 236,172	0.00%
GRF	005409	Ohio Courts Technology Initiative	\$ 2,155,890	\$ 2,003,515	\$ 3,350,000	67.21%	\$ 3,350,000	0.00%
General Revenue Fund Total			\$ 130,237,558	\$ 132,681,025	\$ 141,602,706	6.72%	\$ 143,818,909	1.57%
6720	005601	Continuing Judicial Education	\$ 211,745	\$ 257,745	\$ 101,392	-60.66%	\$ 93,563	-7.72%
General Services Fund Group Total			\$ 211,745	\$ 257,745	\$ 101,392	-60.66%	\$ 93,563	-7.72%
3J00	005603	Federal Grants	\$ 1,481,985	\$ 1,180,755	\$ 1,235,900	4.67%	\$ 1,252,600	1.35%
Federal Special Revenue Fund Group Total			\$ 1,481,985	\$ 1,180,755	\$ 1,235,900	4.67%	\$ 1,252,600	1.35%
4C80	005605	Attorney Services	\$ 3,658,890	\$ 4,723,042	\$ 3,923,101	-16.94%	\$ 3,915,721	-0.19%
5HT0	005617	Court Interpreter Certification	\$ 12,254	\$ 25,927	\$ 23,000	-11.29%	\$ 23,000	0.00%
5JY0	005620	County Law Library Resources Boards	\$ 187,332	\$ 186,617	\$ 258,000	38.25%	\$ 258,000	0.00%
5T80	005609	Grants and Awards	\$ 16,000	\$ 24,089	\$ 25,000	3.78%	\$ 25,000	0.00%
6A80	005606	Supreme Court Admissions	\$ 1,141,213	\$ 1,218,126	\$ 1,283,751	5.39%	\$ 1,308,025	1.89%
State Special Revenue Fund Group Total			\$ 5,015,689	\$ 6,177,801	\$ 5,512,852	-10.76%	\$ 5,529,746	0.31%
Judiciary / Supreme Court Total			\$ 136,946,977	\$ 140,297,326	\$ 148,452,850	5.81%	\$ 150,694,818	1.51%