

# **LSC Greenbook**

**Analysis of the Enacted Budget**

## **Judiciary/Supreme Court**

Garrett Crane, Budget Analyst  
Legislative Service Commission

August 2015

## TABLE OF CONTENTS

<b>OVERVIEW</b> .....	<b>1</b>
Duties and Responsibilities.....	1
Appropriation Overview .....	1
Employee Count.....	2
<b>ANALYSIS OF ENACTED BUDGET</b> .....	<b>3</b>
<b>Administrative Operations and Affiliates</b> .....	<b>3</b>
Operating Expenses (GRF line item 005321).....	3
Law-Related Education (GRF line item 005406).....	5
Ohio Courts Technology Initiative (GRF line item 005409) .....	5
Attorney Services (DPF line item 005605) .....	6
Court Interpreter Certification (DPF line item 005617) .....	7
Grants and Awards (DPF line item 005609).....	7
Continuing Judicial Education (DPF line item 005601).....	7
Supreme Court Admissions (DPF line item 005606).....	8
County Law Library Resources Board (FID line item 005620) .....	8
Federal Grants (FED line item 005603) .....	9

### **ATTACHMENT:**

Budget Spreadsheet By Line Item

# Judiciary/ Supreme Court

- Nearly 80% of GRF budget pays judges' and courts of appeals staff salaries
- Judicial salaries increased
- \$6.7 million in GRF earmarked for court technology

## OVERVIEW

### Duties and Responsibilities

As specified in Article IV of the Ohio Constitution the Supreme Court of Ohio 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.

### Appropriation Overview

The Court's FY 2015 expenditures are compared with the appropriations for FY 2016 and FY 2017, by fund group, in Table 1 below.

Fund Group	FY 2015*	FY 2016	% Change, FY 2015-FY 2016	FY 2017	% Change, FY 2016-FY 2017
General Revenue	\$138,224,238	\$152,541,329	10.4%	\$159,092,818	4.3%
Dedicated Purpose	\$7,464,106	\$7,393,226	-1.0%	\$7,357,618	-0.5%
Fiduciary	\$543,053	\$423,000	-22.1%	\$423,000	0.0%
Federal	\$1,041,520	\$1,389,018	33.4%	\$1,402,091	0.9%
<b>TOTAL</b>	<b>\$147,272,917</b>	<b>\$161,746,573</b>	<b>9.8%</b>	<b>\$168,275,527</b>	<b>4.0%</b>

\*FY 2015 figures represent actual expenditures.

To support the Court's services and activities, the budget appropriates \$161.7 million, an increase of \$14.5 million, or 9.8%, from FY 2015 expenditures totaling \$147.3 million. For FY 2017, the budget appropriates \$168.3 million, an increase of \$6.5 million, or 4.0%, from the FY 2016 appropriation.

The largest driver of the FYs 2016 and 2017 increases is in the amount of money appropriated from the GRF. For FY 2016, the budget's GRF appropriation totals \$152.5 million, an increase of \$14.3 million, or 10.4%, from FY 2015 expenditures totaling \$138.2 million. For FY 2017, the budget appropriates a GRF total of \$159.1 million, an increase of \$6.6 million, or 4.3%, from the FY 2016 appropriation. These GRF changes are primarily due to budget language that increases the salaries of the Ohio Supreme Court justices and judges of the courts of appeals, courts of common pleas, municipal courts, and county courts by 5% each calendar year. The first increase takes effect on September 29, 2015. Succeeding increases take place on January 1, 2017, January 1, 2018, and January 1, 2019.

## Employee Count

Table 2 below summarizes the number of personnel paid by the Court from FY 2014 projected through FY 2017, including sitting and retired assigned judges, certain clerks of courts, courts of appeals staff, and staff of the Court performing various administrative functions.

<b>Table 2. Judges and Staff by Line Item, FY 2014-FY 2017</b>				
<b>Fund/Line Item</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016*</b>	<b>FY 2017*</b>
GRF/005321				
Judges/Clerks	812	812	812	812
Courts of Appeals Staff	288	288	289	290
Supreme Court Staff	211	216	221	221
Intermittent RAJs**	83	77	77	77
<b>GRF/005321 Subtotal</b>	<b>1,394</b>	<b>1,393</b>	<b>1,399</b>	<b>1,400</b>
DPF/005601	1	0	0	0
FED/005603	2	2	2	2
DPF/005605	42	42	42	42
DPF/005606	8	8	8	8
<b>TOTAL</b>	<b>1,447</b>	<b>1,445</b>	<b>1,451</b>	<b>1,452</b>

\*FY 2016-FY 2017 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. The table below shows the line item appropriations 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 2016 and FY 2017 appropriations.

Appropriations for Administrative Operations and Affiliates				
Fund	ALI and Name		FY 2016	FY 2017
<b>General Revenue Fund (GRF)</b>				
GRF	005321	Operating Expenses – Judiciary/Supreme Court	\$149,025,157	\$155,576,646
GRF	005406	Law-Related Education	\$166,172	\$166,172
GRF	005409	Ohio Courts Technology Initiative	\$3,350,000	\$3,350,000
<b>General Revenue Fund Subtotal</b>			<b>\$152,541,329</b>	<b>\$159,092,818</b>
<b>Dedicated Purpose Fund (DPF) Group</b>				
4C80	005605	Attorney Services	\$5,841,263	\$5,795,909
5HT0	005617	Court Interpreter Certification	\$10,000	\$10,000
5T80	005609	Grants and Awards	\$6,000	\$6,000
6720	005601	Continuing Judicial Education	\$120,000	\$120,000
6A80	005606	Supreme Court Admissions	\$1,415,963	\$1,425,709
<b>Dedicated Purpose Fund Group Subtotal</b>			<b>\$7,393,226</b>	<b>\$7,357,618</b>
<b>Fiduciary Fund (FID) Group</b>				
5JY0	005620	County Law Library Resources Board	\$423,000	\$423,000
<b>Federal Fund (FED) Group</b>				
3J00	005603	Federal Grants	\$1,389,018	\$1,402,091
<b>Total Funding: Administrative Operations and Affiliates</b>			<b>\$161,746,573</b>	<b>\$168,275,527</b>

#### Operating Expenses (GRF line item 005321)

This GRF line item's appropriation, which accounts for 92.2% 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 733 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, the budget appropriates \$149.0 million in FY 2016, an increase of \$14.6 million, or 10.9%, from FY 2015 expenditures totaling \$134.4 million. For FY 2017, the budget appropriates \$155.6 million, an increase of \$6.6 million, or 4.4%, from the FY 2016 appropriation. Approximately 95% of each year's amount will be allocated for personal services (the salary, wage, fringe benefit, and payroll charge costs of judges and court administrative staff). The remainder will be allocated for a mix of purchased personal services, supplies and maintenance, and equipment.

The broader components into which these specific types of expenditures fit are summarized in the table below, followed by a brief description of each component.

Major Projected Cost Components of GRF Line Item 055321		
Components	Estimated FY 2016 GRF Cost	Estimated FY 2017 GRF Cost
Judges' Salaries	\$89,697,878	\$94,105,219
Court of Appeals Staff	\$28,507,144	\$30,006,206
Supreme Court Administrative Operations	\$30,820,135	\$31,465,221
<b>TOTAL</b>	<b>\$149,025,157</b>	<b>\$155,576,646</b>

**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 263 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.<sup>1</sup>

**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.

---

<sup>1</sup> 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.

**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 273 total full-time equivalent (FTE) staff positions associated with these divisions of the Court's administrative structure.

**Temporary law.** The budget permits up to \$304,353 in FY 2016 and up to \$308,433 in FY 2017 to be used to support the functions of the State Criminal Sentencing Council. The Council is a 31-member body responsible for conducting a review of Ohio's sentencing statutes and sentencing patterns, and making recommendations regarding necessary statutory changes.<sup>2</sup> Traditionally, the Council has been referred to as the Ohio Criminal Sentencing Commission.

#### **Law-Related Education (GRF line item 005406)**

This line item is earmarked for distribution 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.<sup>3</sup> The budget appropriates \$166,172 for FY 2016 and FY 2017, a decrease of \$70,000, or 29.6%, from FY 2015 expenditures of \$236,172.

#### **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 FY 2016 and FY 2017, an amount that is a decrease of \$221,890, or 6.2%, from FY 2015 expenditures of \$3,571,890. Approximately 90% of each year's appropriation will be allocated for personal services contracts.

As of August 2015, 312 courts, representing 87.8% of the court case volume statewide, were connected and regularly sending updates to OCN. Another 21 courts, representing 3.4% of the court case volume statewide, were in various stages of testing and/or loading into OCN. Over the course of the FY 2016-FY 2017 biennium, around 19

---

<sup>2</sup> R.C. 181.21.

<sup>3</sup> The Center is a nonprofit organization that delivers a variety of law-related and citizenship education programs and materials to teachers and students of primary and secondary schools.

courts, representing 4.7% of the court case volume statewide, are expected to begin sharing data with OCN when their technology will allow.<sup>4</sup>

Once all of the participating courts have begun submitting data to OCN, the Court will move from the rollout to the 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.

**Temporary law.** 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.

#### **Attorney Services (DPF line item 005605)**

This line item is used to pay for various services and activities of the Court, including the Office of Disciplinary Counsel, the Board of Commissioners on Grievances and Discipline, the Clients' Security Fund, and the Attorney Services Division. It is supported by money appropriated from the Attorney Services Fund (Fund 4C80), which consists of attorney registration and continuing legal education fees.

For FY 2016, the budget appropriates \$5,841,236, a decrease of \$201,534, or 3.3%, from FY 2015 expenditures totaling \$6,042,797. For FY 2017, the budget appropriates \$5,795,909, a decrease of \$45,354, or 0.8%, from the FY 2016 appropriation. In each year, the appropriation will be primarily allocated for personal services (around 60%), and secondarily for purchased personal services (about 35%). The available funding is expected to support the equivalent of 42 FTE staff positions.

**Temporary law.** A related ongoing temporary law provision: (1) increases the line item's appropriation if deemed necessary by the Administrative Director of the Supreme Court, (2) prohibits the Director of Budget and Management or the

---

<sup>4</sup> Close to 20 courts, representing 4.1% of the court case volume statewide, had not elected to sign a Memorandum of Understanding and would not be submitting data to OCN.

Controlling Board from transferring money from Fund 4C80 to any other fund, and (3) requires any interest earned on the fund's money be credited to the fund.

#### **Court Interpreter Certification (DPF line item 005617)**

This line item provides for language experts to rate, or grade, the oral examinations of those applying to become certified court interpreters. It is supported by money appropriated from the Court Interpreter Fund (Fund 5HT0), which consists of court interpreter certification fees.

For FY 2016 and FY 2017, the budget appropriates \$10,000. In each year, the appropriation will be primarily allocated for supplies and maintenance.

**Temporary law.** A related temporary law provision: (1) increases the line item's appropriation if deemed necessary by the Administrative Director of the Court, (2) prohibits the Director of Budget and Management or the Controlling Board from transferring money from Fund 5HT0 to any other fund, and (3) requires any interest earned on the fund's money be credited to the fund.

#### **Grants and Awards (DPF line item 005609)**

This line item is used to distribute grants and awards that the Court has received for a designated purpose or purposes and deposited in the Grants and Awards Fund (Fund 5T80). For FY 2016 and FY 2017, the budget appropriates \$6,000, a decrease of \$7,274, or 54.8%, from FY 2015 expenditures totaling \$13,274.

In the last five years, awarded amounts have been in the range of \$3,000 to \$25,000 for various specified purposes, including the Ohio Summit on Aging, a communication with deaf people video, identifying barriers to justice, and a Judicial College collaboration with the Ohio Juvenile Detention Director's Association.

**Temporary law.** A related ongoing temporary law provision: (1) increases the line item's appropriation if deemed necessary by the Administrative Director of the Court, (2) prohibits the Director of Budget and Management and the Controlling Board from transferring money from Fund 5T80 to any other fund, and (3) requires any interest earned on the fund's money be credited to the state's GRF.

#### **Continuing Judicial Education (DPF line item 005601)**

This line item is used to pay for the expense of providing continuing education courses to judges and other court personnel. It is supported by money appropriated from the Continuing Judicial Education Fund (Fund 6720), which consists of continuing education fees paid by judges and court personnel.

The budget appropriates \$120,000 in FY 2016 and FY 2017. These appropriated funds will be allocated for a mix of supplies and maintenance and purchased personal services.

**Temporary law.** A related ongoing temporary law provision: (1) increases the line item's appropriation if deemed necessary by the Administrative Director of the Court, (2) prohibits the Director of Budget and Management or the Controlling Board from transferring moneys from Fund 6720 to any other fund, and (3) requires any interest earned on the fund's money be credited to the fund.

### **Supreme Court Admissions (DPF line item 005606)**

This line item is used primarily to pay expenses associated with administering the Attorney Admissions Program. It is supported by money appropriated from the Supreme Court Admissions Fund (Fund 6A80), which consists of fees collected for admission to the practice of law.

For FY 2016, the budget appropriates \$1,415,963, an increase of \$8,818, or 0.6%, from FY 2015 expenditures totaling \$1,407,145. For FY 2017, the budget appropriates \$1,425,709, an increase of \$9,746, or 0.7%, from the FY 2016 appropriation. In each year, the appropriation will be allocated more or less as follows: payroll-related expenses (50%), purchased personal services (30%), and supplies and maintenance (20%). The available funding is expected to support the equivalent of eight full-time staff.

**Temporary law.** A related ongoing temporary law provision: (1) increases the line item's appropriation as deemed necessary by the Administrative Director of the Supreme Court, (2) prohibits the Director of Budget and Management or the Controlling Board from transferring money from Fund 6A80, and (3) requires any interest earned on the fund's money be credited to the fund.

### **County Law Library Resources Board (FID line item 005620)**

This line item, which consists of money forwarded from each county law library resources fund and deposited in the Statewide Consortium of County Law Library Resources Boards Fund (Fund 5JY0), provides funding for the operation of the Statewide Consortium of County Law Library Resources Boards. The consortium was established in 2011 for the purposes of: (1) negotiating contracts that each county law library resources board may use for purchasing or obtaining access to legal research and reference materials, (2) cataloging existing resources held by county law library resources boards and facilitate the sharing of those resources, (3) developing and recommending guidelines for the collection of or access to legal resources, and (4) providing consultation and assistance to county law library resources boards.

For these purposes, the budget appropriates \$423,000 in FY 2016 and FY 2017, a decrease of \$120,053, or 22.1%, from FY 2015 expenditures of \$543,053. In each year, the appropriation will be primarily allocated for equipment (about 65%), and secondarily more or less for subsidies and purchased personal services.

**Temporary law.** A related temporary law provision: (1) increases the line item's appropriation if deemed necessary by the Administrative Director of the Court, (2) prohibits the Director of Budget and Management or the Controlling Board from transferring money from Fund 5JY0 to any other fund, and (3) 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 FY 2016, the budget appropriates \$1,389,018, an increase of \$347,498, or 33.4%, from FY 2015 expenditures of \$1,041,520. For FY 2017, the budget appropriates \$1,402,091, an increase of \$13,073, or 0.9%, from the FY 2016 appropriation. In each year, the appropriation will be allocated more or less as follows: purchased personal services (45%), payroll-related expenses (30%), supplies and maintenance (16%), and subsidies (9%).

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

- Family drug courts, designed to assist families with drug treatment and rehabilitation, have received a grant to be expended over the course of the biennium. Beyond collaborating with the Ohio Department of Mental Health and Addiction Services and the Ohio Department of Job and Family Services, the grant contains funding for a symposium to develop plans to expand access to family drug courts;
- 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 and reauthorized in 1997 and 2001. 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.

**Temporary law.** A related, ongoing temporary law provision: (1) increases the line item's appropriation if deemed necessary by the Administrative Director of the Court, (2) prohibits the Director of Budget and Management and the Controlling Board from transferring money from Fund 3J00 to any other fund, and (3) requires any interest earned on the fund's money be transferred or credited to the state's GRF.

JSC.docx/th

# FY 2016 - FY 2017 Final Appropriation Amounts

# All Fund Groups

## Line Item Detail by Agency

			FY 2014	FY 2015	Appropriation FY 2016	FY 2015 to FY 2016 % Change	Appropriation FY 2017	FY 2016 to FY 2017 % Change
<b>Report For Main Operating Appropriations Bill</b>			<b>Version: As Enacted</b>					
<b>JSC</b>	<b>Judiciary/Supreme Court</b>							
GRF	005321	Operating Expenses - Judiciary/Supreme Court	\$ 133,304,086	\$ 134,416,176	\$ 149,025,157	10.87%	\$ 155,576,646	4.40%
GRF	005406	Law-Related Education	\$ 236,172	\$ 236,172	\$ 166,172	-29.64%	\$ 166,172	0.00%
GRF	005409	Ohio Courts Technology Initiative	\$ 625,715	\$ 3,571,890	\$ 3,350,000	-6.21%	\$ 3,350,000	0.00%
<b>General Revenue Fund Total</b>			<b>\$ 134,165,973</b>	<b>\$ 138,224,238</b>	<b>\$ 152,541,329</b>	<b>10.36%</b>	<b>\$ 159,092,818</b>	<b>4.29%</b>
4C80	005605	Attorney Services	\$ 5,602,787	\$ 6,042,797	\$ 5,841,263	-3.34%	\$ 5,795,909	-0.78%
5HT0	005617	Court Interpreter Certification	\$ 28,198	\$ 0	\$ 10,000	N/A	\$ 10,000	0.00%
5T80	005609	Grants and Awards	\$ 4,035	\$ 13,274	\$ 6,000	-54.80%	\$ 6,000	0.00%
6720	005601	Continuing Judicial Education	\$ 134,108	\$ 890	\$ 120,000	13,385.57%	\$ 120,000	0.00%
6A80	005606	Supreme Court Admissions	\$ 1,321,367	\$ 1,407,145	\$ 1,415,963	0.63%	\$ 1,425,709	0.69%
<b>Dedicated Purpose Fund Group Total</b>			<b>\$ 7,090,495</b>	<b>\$ 7,464,106</b>	<b>\$ 7,393,226</b>	<b>-0.95%</b>	<b>\$ 7,357,618</b>	<b>-0.48%</b>
5JY0	005620	County Law Library Resources Boards	\$ 284,618	\$ 543,053	\$ 423,000	-22.11%	\$ 423,000	0.00%
<b>Fiduciary Fund Group Total</b>			<b>\$ 284,618</b>	<b>\$ 543,053</b>	<b>\$ 423,000</b>	<b>-22.11%</b>	<b>\$ 423,000</b>	<b>0.00%</b>
3J00	005603	Federal Grants	\$ 1,568,971	\$ 1,041,520	\$ 1,389,018	33.36%	\$ 1,402,091	0.94%
<b>Federal Fund Group Total</b>			<b>\$ 1,568,971</b>	<b>\$ 1,041,520</b>	<b>\$ 1,389,018</b>	<b>33.36%</b>	<b>\$ 1,402,091</b>	<b>0.94%</b>
<b>Judiciary/Supreme Court Total</b>			<b>\$ 143,110,058</b>	<b>\$ 147,272,917</b>	<b>\$ 161,746,573</b>	<b>9.83%</b>	<b>\$ 168,275,527</b>	<b>4.04%</b>