

Judicial Conference of Ohio

OVERVIEW

The Judicial Conference of Ohio is a statutory entity within the judicial branch of state government created to continually study and recommend changes in the procedures and practices of Ohio's court system in an effort to promote a fair and effective administration of justice. This mission is accomplished primarily through the sponsorship of activities and projects, as well as the distribution of materials that allow information, experiences, and ideas to be shared with and among judges.

The conference consists of all the judges of the Supreme Court of Ohio, the courts of appeals, the courts of common pleas, the municipal courts, and the county courts. The membership of the conference currently consists of approximately 709 active and 150 retired judges. In addition, the Supreme Court of Ohio, the courts of appeals, the Ohio Common Pleas Judges Association, the Ohio Association of Probate Court Judges, the Ohio Association of Juvenile Court Judges, and the Association of Municipal-County Judges of Ohio are members of the conference. Members are required to pay annual dues, and although they receive no compensation for services rendered to the conference, may receive reimbursement for reasonable and necessary expenses.

The general charge and supervision of the administration of the conference's affairs rests with the executive committee and its chair. The executive committee is comprised of 40 judges, including representatives of all six judicial associations. The Chief Justice of the Supreme Court of Ohio serves as the honorary chairman of the conference. Currently, the conference has twelve full-time staff, including the executive director who is appointed by the six officers of the executive committee, including the Chief Justice.

Costs of the conference's day-to-day business is covered by a single GRF line item (018-321, Operating Expenses), while the expenses associated with supporting the work of its 19 permanent committees and conducting various conferences, workshops, and special projects are covered by its lone non-GRF line item (018-601, Ohio Jury Instructions).

Court Security Subsidy Program

General Revenue Fund line item 018-502, Court Security Subsidy, was created to provide funds for both a statewide court security assessment and a grant program to assist local courts with the implementation of recommendations on how to improve local court security. This line item was created in the main appropriations act of the 122nd General Assembly, Am. Sub. H.B. 215, with the understanding of both the legislature and the conference that the grant program would discontinue after two years. The conference was successful in conducting a statewide security assessment and making recommendations for the enhancement of court security. The grant awards were one-time and set at a maximum amount of \$23,000 per court. The disbursement of the grant money was completed in FY 2000. Before this grant program existed, approximately 75 percent of the courts in Ohio had little or no security. Now, as a direct result of the conference's Court Security Subsidy Program, about 85 percent of Ohio's local courts have needed security measures and equipment in place.

Executive Recommendation

Under existing law, section 107.03(B) of the Revised Code, the executive branch of the State of Ohio has limited authority over the state's judicial branch, especially in the case of their biennial budgets and associated permanent and temporary law. Although these budgets are presented to the legislature as executive recommendations, the Office of Budget and Management in reality only serves as the conduit through which judicial budgets are passed to the legislature. Thus, the burden of examining the Judicial Conference of Ohio's budget request, as well as deciding what parts of it to fund or not fund, falls on the legislature.

ADDITIONAL FACTS AND FIGURES

Judicial Conference of Ohio Staffing Levels*							
FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001*	FY 2002*	FY 2003*
9	9	9	9	10	12	13	13

*The staffing levels displayed in the above table represent full-time equivalents (FTEs). The number of FTEs for FYs 2001 to 2003 represent an estimate.

- The above table illustrates that the Judicial Conference of Ohio has been able to function with a relatively small number of staff. Over the course of the current biennium, the conference has added three staff positions: a program coordinator, a research analyst and a support person. In FY 2002, the conference plans to add another support person specifically to handle desktop publishing tasks.

Spending by Fund Group*				
Fiscal Year	GRF	GSF	Totals	% Change
1996	\$ 482,407	\$113,254	\$ 595,661	28.2
1997	\$ 551,820	\$181,980	\$ 733,800	23.2
1998	\$ 789,090	\$ 97,680	\$ 886,770	20.8
1999	\$3,227,364	\$128,216	\$3,355,580	278.4
2000	\$8,960,563	\$161,385	\$9,121,948	171.8
2001	\$1,080,000	\$180,000	\$1,260,000	- 86.2
2002	\$1,165,000	\$200,000	\$1,365,000	8.3
2003	\$1,217,000	\$200,000	\$1,417,000	3.8

*The amounts displayed for FYs 2001 through 2003 are estimates.

- The above table illustrates several features of the Ohio Judicial Conference’s spending. First, the conference relies very heavily on the state’s GRF. Second, through the latter half of the 1990s, the conference experienced a fairly strong pattern of growth in its GRF spending. Third, the one-time \$11.25 million GRF appropriation that supported its now completed Court Security Subsidy Program had quite a pronounced effect on the conference’s spending pattern in FYs 1999 and 2000. Fourth, since that spike, the conference’s spending has come back to a somewhat more modest rate of growth.

ANALYSIS OF EXECUTIVE PROPOSAL

JUDICIAL CONFERENCE OF OHIO

Purpose To study and recommend changes in the procedures and practices of Ohio’s court system in an effort to promote a fair and effective administration of justice.

The following table shows the line items that are used to fund the conference, as well as the Governor’s recommended funding levels.

Fund	ALI	Title	FY 2002	FY 2003
GRF	018-321	Operating Expenses	\$1,165,000	\$1,217,000
GSF	018-502	Ohio Jury Instructions	\$ 200,000	\$ 200,000
Total conference funding			\$1,365,000	\$1,417,000

The conference is a single-program series agency. The specific conference activity that this analysis will focus involves:

■ EDUCATION & INFORMATION

EDUCATION & INFORMATION

Program Description: The Judicial Conference of Ohio was established by Am. Sub. H.B. 205 of the 105th General Assembly. The conference was created to promote fair and effective administration of justice, and as an avenue for judges to exchange experiences and suggestions relative to the operation of the state’s judicial system. This is accomplished by educating and informing judges through conferences, videos, mentoring programs, and numerous publications related to the state of the judiciary in Ohio. The conference also produces judicial impact statements on pending legislation for legislators and members of the judiciary.

Funding Source: 1) GRF; and 2) annual membership dues, conference registration fees, royalties, and other miscellaneous sources, including various one-time grants.

Line Items: 018-321, Operating Expenses; 018-502, Ohio Jury Instructions.

Implication of the Executive Recommendation: To support the conference’s ongoing administrative functions in the next biennium, the Governor’s budget recommends it receive an increase in FY 2002 GRF funding of \$85,000, or 7.9 percent, relative the conference’s estimated FY 2001 GRF expenditures. For FY 2003, the recommended increase in GRF funding is \$52,000, or 4.5 percent, relative to the FY 2002 GRF recommendation.

The conference is currently staffed with 12 full-time employees. It also plans to add one new full-time staff person who will perform various desktop publishing tasks, beginning in FY 2002. The total annual cost of that new support staff person, including salary and fringe benefits, is estimated at \$43,000. Additionally, the conference has planned for no more than a 3 percent cost of living adjustment in its payroll expenses over the next biennium.

Aside from these personnel expenses, the conference is looking forward to their move into the Ohio Courts Building possibly, by FY 2004. Currently, the conference is located in a

private office building, and is operating under the assumption that the cost of its commercial office space lease will increase by no more than 3 percent in each of the next two fiscal years.

Some of its current equipment will be replaced as the conference prepares for the eventual move. The conference is planning to replace their personal computers due to the need to be compatible with technology used by the Supreme Court of Ohio. The conference estimates that the complete computer upgrade will cost approximately \$40,000.

More broadly, the conference will continue to consult with courts around the state to assist them in developing more advanced and uniform information technology systems that will better enable judges to interact electronically. The various courts around the state are very dissimilar in terms of the levels of technology used in practice. Ohio's courts are still very paper intensive and the conference does recognize that uniformity is still a distant goal.

In addition to the GRF operating funds, the conference will also receive \$200,000 in appropriation authority, for each year of the next biennium, in its non-GRF Ohio Jury Instructions Fund (Fund 403). This fund supports costs incurred by the conference in providing educational and informational data to the state's judicial system, including its Ohio Jury Instructions Program, which provides uniform jury instructions for judges and lawyers. As part of the program, a committee of judges meets at least nine weekends per year to review newly enacted legislation and to write jury instructions based on that legislation. The finished product is then made available to judges and lawyers around the state.

Earmarking: The conference's executive-recommended budget contains temporary law that permits it to use up to \$60,000 in FY 2002 and up to \$63,000 in FY 2003 of its appropriation in GRF line item 018-321, Operating Expenses, to pay the expenses of the State Council of Uniform State Laws. This permissive temporary law first appeared in the conference's biennial budget covering FYs 1988 and 1989 (Am. Sub. H.B. 171, the main appropriations act of the 117th General Assembly).

The council, which consists of four commissioners appointed by the Governor, collects and digests data concerning the prevailing law in the United States and other countries, upon such subjects where uniformity is important. It is also charged with ascertaining the best means to effect uniformity upon such subjects in the laws of the various states of the United States.

Permanent and Temporary Law: The executive-recommended budget contains temporary law specifying the revenue stream that is to be deposited to the credit of the conference's Fund 403, Ohio Jury Instructions Fund, and that its purpose is to dispense education and informational data to the state's judicial system. This temporary law also appropriates all revenue accruing to Fund 403 from July 1, 2001 to June 30, 2003. This means that, if Fund 403's revenue exceeds its appropriation authority as set in the executive budget, \$200,000 in each of FYs 2002 and 2003, its appropriation authority is automatically increased to reflect that additional revenue, without legislative action or Controlling Board approval. Also included is language prohibiting the Director of Budget and Management from transferring moneys from Fund 403 to any other fund. All of this temporary law with respect to Fund 403 was first included in the conference's budget contained in Am. Sub. H.B. 152, the main appropriations act of the 120th General Assembly.

PERMANENT AND TEMPORARY LAW

This section of our analysis describes permanent and temporary law provisions contained in the executive budget that will affect the Judicial Conference of Ohio's activities and spending decisions during the next biennium.

Permanent Law Provisions

The Judicial Conference of Ohio is established and guided by sections 105.91 to 105.97 of the Revised Code. No changes to that permanent law are proposed in the executive budget.

Temporary Law Provisions

Described below are two pieces of proposed temporary law that will affect the conference over the course of the next biennium.

State Council of Uniform State Laws (GRF line item 018-321)

The conference's executive-recommended budget contains temporary law that permits it to use up to \$60,000 in FY 2002 and up to \$63,000 in FY 2003 of its appropriation in GRF line item 018-321, Operating Expenses, to pay the expenses of the State Council of Uniform Laws. This permissive temporary law first appeared in the conference's biennial budget covering FYs 1988 and 1989 (Am. Sub. H.B.171, the main appropriations act of the 117th General Assembly).

The council, which consists of four commissioners appointed by the Governor, collects and digests data concerning the prevailing law in the United States and other countries, upon such subjects where uniformity is important. It is also charged with ascertaining the best means to effect uniformity upon such subjects in the laws of the various states of the United States.

Ohio Jury Instructions Fund (Fund 403)

The executive-recommended budget contains temporary law specifying the revenue stream that is to be deposited to the credit of the conference's Fund 403, Ohio Jury Instructions Fund, and that its purpose is to dispense education and informational data to the state's judicial system. This temporary law also appropriates all revenue accruing to Fund 403 from July 1, 2001 to June 30, 2003. This means that, if Fund 403's revenue exceeds its appropriation authority as set in the executive budget, \$200,000 in each of FYs 2002 and 2003, its appropriation authority is automatically increased to reflect that additional revenue, without legislative action or Controlling Board approval. Also included is language prohibiting the Director of Budget and Management from transferring moneys from Fund 403 to any other fund. All of this temporary law with respect to Fund 403 was first included in the conference's budget contained in Am. Sub. H.B. 152, the main appropriations act of the 120th General Assembly covering FYs 1994 and 1995.

REQUESTS NOT FUNDED

Under existing law, section 107.03(B) of the Revised Code, the executive branch of the State of Ohio has limited authority over the state's judicial branch, especially in the case of their biennial budgets and associated permanent and temporary law. Although these budgets are presented to the legislature as executive recommendations, the Office of Budget and Management in reality only serves as the conduit through which judicial budgets are passed to the legislature. Thus, the burden of examining the Judicial Conference of Ohio's budget request, as well as deciding what parts of it to fund or not fund, falls on the legislature.

LSC Budget Spreadsheet by Line Item, FY 2002 - FY 2003

<i>Fund</i>	<i>ALI</i>	<i>ALI Title</i>	<i>2000</i>	<i>Estimated 2001</i>	<i>Executive 2002</i>	<i>% Change 2001 to 2002</i>	<i>Executive 2003</i>	<i>% Change 2002 to 2003</i>
JCO Judicial Conference of Ohio								
GRF	018-321	Operating Expenses	\$ 993,580	\$1,080,000	\$ 1,165,000	7.9%	\$ 1,217,000	4.5%
GRF	018-502	Court Security Subsidy	\$ 7,966,983	\$0	\$ 0	N/A	\$ 0	N/A
General Revenue Fund Total			\$ 8,960,563	\$ 1,080,000	\$ 1,165,000	7.9%	\$ 1,217,000	4.5%
403	018-601	Ohio Jury Instructions	\$ 161,385	\$180,000	\$ 200,000	11.1%	\$ 200,000	0.0%
General Services Fund Group Total			\$ 161,385	\$ 180,000	\$ 200,000	11.1%	\$ 200,000	0.0%
Total All Budget Fund Groups			\$ 9,121,948	\$ 1,260,000	\$ 1,365,000	8.3%	\$ 1,417,000	3.8%

General Revenue Fund

GRF 018-321 Operating Expenses

1998	1999	2000	2001 Estimate	2002 Executive Proposal	2003 Executive Proposal
\$613,471	\$593,942	\$993,580	\$1,080,000	\$1,165,000	\$1,217,000
	-3.2%	67.3%	8.7%	7.9%	4.5%

Source: GRF

Legal Basis: originally established by Am. Sub. H. B. 204 of the 113th G.A., the main appropriations act covering FYs 1980 and 1981.

Purpose: This line item is used to fund the payroll, fringe benefit, maintenance, and equipment costs of the Judicial Conference of Ohio.

GRF 018-502 Court Security Subsidy

1998	1999	2000	2001 Estimate	2002 Executive Proposal	2003 Executive Proposal
\$175,619	\$2,633,422	\$7,966,983	\$0	\$0	\$0
	1399.5%	202.5%	-100.0%	N/A	N/A

Source: GRF

Legal Basis: originally established by Am. Sub. H.B. 215 of the 122nd G.A., the main appropriations act covering FYs 1998 and 1999.

Purpose: Pursuant to temporary law, this one-time GRF subsidy line item was used for planning, training, and equipment necessary for improving the security in Ohio's courtrooms. It was expressly not to be used for on-going operational expenses. The Judicial Conference of Ohio, at their discretion, was permitted to reimburse courts for previous expenses related to planning, training, or equipment used for court security.

General Services Fund Group

403 018-601 Ohio Jury Instructions

1998	1999	2000	2001 Estimate	2002 Executive Proposal	2003 Executive Proposal
\$97,680	\$128,216	\$161,385	\$180,000	\$200,000	\$200,000
	31.3%	25.9%	11.5%	11.1%	0.0%

Source: GSF: dues (\$60 collected annually from active members who hold a judicial office), conference fees, royalties, grants, bequests, devises, and other gifts.

Legal Basis: originally established by Controlling Board in FY 1965.

Purpose: This fund is used to support costs incurred by the Judicial Conference of Ohio in providing educational and informational data to the state's judicial system. This includes, but is not limited to, publications, workshops, the conference's annual fall meeting, and meetings of the conference's 19-plus committees.