

Judicial Conference Of Ohio

Senate Finance and Financial Institutions Committee

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Legislative Service Commission

May 8, 2003

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LSC Redbook for the Judicial Conference of Ohio

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May 8, 2003

Note: The estimated General Revenue Fund (GRF) spending for FY 2003 used in this LSC Redbook reflects the 2.5% reduction made as a result of the Governor's January 22, 2003 budget cut order. The executive reduction was applied across-the-board to FY 2003 GRF appropriations, subject to certain exceptions. Subsequent to such reductions (and not reflected in the Redbook), state agencies were permitted to reallocate the amount that each of their GRF appropriation line items was reduced, while still absorbing the 2.5% budget cut within the total amount of their GRF appropriations.

Judicial Conference of Ohio

- Zero growth GRF budget
- New Executive Director as of January 2003

OVERVIEW

Mission and operations

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. The mission is accomplished primarily through research projects, program activities, and published materials that allow information, experiences, and ideas to be shared with and among judges.

The Conference consists of all 712 active judges in Ohio, including the Supreme Court of Ohio, the courts of appeals, the courts of common pleas, the municipal courts, and the county courts. In addition, the Courts of Appeals Judges Association, the Ohio Common Pleas Judges Association, the Ohio Association of Probate Judges, the Ohio Association of Juvenile Court Judges, the Ohio Association of Domestic Relations 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 judges who serve on the executive committee, which includes its officers and its chair. The executive committee is comprised of approximately 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. Member judges sit on more than 20 *ad hoc* and permanent committees, which work to produce products and share information that will enhance the administration of justice. Currently, the Conference has 11 full-time staff, including the executive director who is appointed by the officers of the executive committee.

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 *ad hoc* and permanent committees and conducting various conferences, workshops, and special projects are covered by its lone non-GRF line item (018-601, Ohio Jury Instructions).

GRF expenditure reductions

According to the Conference, it was able to constrain its GRF expenditures over the course of the current biennium by: (1) reducing maintenance and equipment costs, in relation to the handling of postage, a copier maintenance contract, and so forth, and (2) replacing a departed assistant director.

Executive recommendation

Under existing law – division (B) of section 107.03 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.

That said, the Conference requested for each fiscal year of the next biennium a no-growth GRF budget, with the expectation that it will still be able to deliver the level of services currently being provided in FY 2003. As of this writing, the Conference’s total FY 2003 GRF spending is estimated at \$1.3 million. Its total requested GRF funding level in each of FYs 2004 and 2005 is also \$1.3 million. This is a state agency that historically has relied on the GRF to finance around 85% of its total annual operating expenses.

Initiatives

Under the direction of Executive Director Kenneth A. Rohrs, who was just appointed to the post in January 2003, the Conference will undertake several initiatives in the next biennium, including:

- Relocate from commercial office space to the Ohio Courts Building, currently undergoing restoration.
- Increase the number of member judges who sit on *ad hoc* and permanent committees.
- Improve relationships with other judicial associations, e.g., The Ohio Association of Domestic Relations Judges.
- Develop and implement a “wellness” intervention program to help judges address issues that may affect their ability to do their work effectively and efficiently.

Relocation to Ohio Courts Building

The Judicial Conference of Ohio is scheduled to relocate to the Ohio Courts Building in the spring of 2004. The Ohio Courts Building, formerly known as the Ohio Departments Building and located on Front Street in downtown Columbus, is in the process of undergoing a \$85-plus million restoration. Currently, the Conference rents private office space at 10 West Broad Street. The move will benefit the Conference in a variety of respects, including an increased proximity to other judicial agencies, a larger conference room to accommodate judicial meetings, an increase in storage space, and greater security for personnel and records. The Supreme Court of Ohio will be managing all building operations. As of this writing, it appears that the Court does not intend to charge the Conference for any building operating expenses. If this remains the case, once the Conference relocates to the Ohio Courts Building, it presumably should realize some savings in the component of their annual operating budget that is allocated for maintenance expenses.

National Conference of Commissioners on Uniform State Laws

The Conference is obligated to pay the expenses associated with the State Council of Uniform State Laws. 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.

The Council submits its funding request to the Conference and the amounts are appropriated and earmarked accordingly. Contained in the executive-recommended budget is temporary law earmarking GRF funds of up to \$63,000 in FY 2004 and up to \$66,000 in FY 2005 for this purpose. The Conference appears to have no discretion in determining the amount that the Council requests. In addition, the Conference has little, if any, interaction with the commissioners. The Conference essentially acts as a pass-through funding conduit for the State Council of Uniform State Laws.

Membership fees

The Conference currently collects \$60 annually in fees from all active members, which are deposited to the credit of the Ohio Jury Instructions Fund (Fund 403). These dues are set administratively by the Conference and have not been raised in a number of years. The executive committee plans to review the Conference's dues structure at the beginning of FY 2004 and may consider recommending an increase in the annual membership dues. Any change in the annual membership dues must be voted on by the active members, which would most likely take place at the Conference's annual September meeting.

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 operating 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% 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% of Ohio's local courts have needed security measures and equipment in place. The remaining balance of the fund, approximately \$30,000, was transferred to the Judiciary/Supreme Court in order to cover the printing and distribution of a Court Security Operations Manual to local courts.

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 2004	FY 2005
GRF	018-321	Operating Expenses	\$1,124,000	\$1,124,000
GSF	018-502	Ohio Jury Instructions	\$ 200,000	\$ 200,000
Total funding: Judicial Conference of Ohio			\$1,324,000	\$1,324,000

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: As of this writing, the Conference’s total FY 2003 GRF spending is estimated at \$1.3 million. Under the executive-proposed budget, the Conference is scheduled to receive a no-growth GRF budget in each fiscal year of the next biennium, which translates into \$1.3 million in each of FYs 2004 and 2005. With that amount of GRF funding, the Conference anticipates being able to maintain current service levels and cover the payroll costs associated with its existing 11 full-time staff positions.

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). The fund supports costs incurred by the Conference in delivering 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 \$63,000 in FY 2004 and up to \$66,000 in FY 2005 of the funds appropriated to GRF line item 018-321, Operating Expenses, to pay the expenses of the State Council of Uniform State Laws. The

permissive temporary law first appeared in the Conference's biennial budget covering FYs 1988 and 1989 (Am. Sub. H.B. 171, the main operating appropriations act of the 117th General Assembly).

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. The temporary law also appropriates all revenue accruing to Fund 403 from July 1, 2003 to June 30, 2005. This means that, if Fund 403's revenue exceeds its appropriation authority as set in the executive budget, \$200,000 in each of FYs 2004 and 2005, the appropriation authority is automatically increased to reflect that additional revenue, without any further legislative action or Controlling Board approval. Also included is language prohibiting the Director of Budget and Management or the Controlling Board from transferring moneys in Fund 403 to any other fund. All of the temporary law with respect to Fund 403 was first included in the Conference's budget contained in Am. Sub. H.B. 152, the main operating appropriations act of the 120th General Assembly.

ADDITIONAL FACTS AND FIGURES

Judicial Conference of Ohio Staffing Levels*							
FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003*	FY 2004*	FY 2005*
9	9	10	12	12	11	11	11

*The staffing levels displayed in the above table represent full-time equivalents (FTEs). The number of FTEs for FYs 2003 through 2005 represent an estimate.

As the above table illustrates, the Judicial Conference of Ohio has been functioning with a relatively small number of staff for at least the last six years.

Spending by Fund Group				
Fiscal Year	GRF	GSF	Totals	% Change
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	\$1,063,940	\$187,621	\$1,251,561	-86.3%
2002	\$1,105,705	\$156,202	\$1,261,907	0.8%
2003*	\$1,124,207	\$200,000	\$1,324,207	4.9%
2004*	\$1,124,000	\$200,000	\$1,324,000	0.0%
2005*	\$1,124,000	\$200,000	\$1,324,000	0.0%

*The amounts displayed for FYs 2003 through 2005 are estimates.

The above table illustrates several features of the Conference’s spending. First, the Conference relies very heavily on the state GRF funding to support its operations. Second, the one-time \$11.25 million GRF appropriation that supported its now completed Court Security Subsidy Program created a pronounced short-term spike in the Conference’s FYs 1999 and 2000 spending. Third, subsequent to that “spike,” the Conference’s annual spending has generally been around \$1.3 million.

PERMANENT AND TEMPORARY LAW

This section describes permanent and temporary law provisions contained in the executive budget that explicitly affect the duties, responsibilities, or fiscal operations of the Judicial Conference of Ohio.

Permanent Law Provisions

The Conference 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 \$63,000 in FY 2004 and up to \$66,000 in FY 2005 of the amounts appropriated to GRF line item 018-321, Operating Expenses, to pay the expenses of the State Council of Uniform State Laws. The permissive temporary law first appeared in the Conference's biennial budget covering FYs 1988 and 1989 (Am. Sub. H.B.171, the main operating 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. The temporary law also appropriates all revenue accruing to Fund 403 from July 1, 2003 through June 30, 2005. This means that, if Fund 403's revenue exceeds its appropriation authority as set in the executive budget, \$200,000 in each of FYs 2004 and 2005, the appropriation authority is automatically increased to reflect that additional revenue, without any further legislative action or Controlling Board approval. Also included is language prohibiting the Director of Budget and Management or the Controlling Board from transferring moneys in 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 operating appropriations act of the 120th General Assembly covering FYs 1994 and 1995.

REQUESTS NOT FUNDED

Under existing law – division (B) of section 107.03 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.

General Revenue Fund

GRF 018-321 Operating Expenses

2000	2001	2002	2003 Estimate	2004 House Passed	2005 House Passed
\$993,580	\$1,063,940	\$1,067,688	\$1,124,207	\$962,000	\$957,000
	7.1%	0.4%	5.3%	-14.4%	-0.5%

Source: GRF

Legal Basis: Section 64 of Am. Sub. H.B. 94 of the 124th G.A. (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

2000	2001	2002	2003 Estimate	2004 House Passed	2005 House Passed
\$7,966,983	\$0	\$38,017	\$0	\$0	\$0
		N/A	-100.0%	N/A	N/A

Source: GRF

Legal Basis: Discontinued line item (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

2000	2001	2002	2003 Estimate	2004 House Passed	2005 House Passed
\$161,385	\$187,621	\$156,202	\$200,000	\$200,000	\$200,000
	16.3%	-16.7%	28.0%	0.0%	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: Section 64 of Am. Sub. H.B. 94 of the 124th G.A. (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, conferences (including the Conference's annual fall meeting), and meetings of the Conference's 19-plus committees.

As Introduced**As Passed by the House****Subject: State Council of Uniform State Laws****Section: 59**

Earmarks up to \$63,000 in FY 2004 and up to \$66,000 in FY 2005 of the amounts appropriated to GRF appropriation item 018-321, Operating Expenses, to pay the expenses of the State Council of Uniform State Laws, including membership dues to the National Conference of Commissioners on Uniform State Laws.

Fiscal effect: This uncodified law provision continues existing practice relative to earmarking amounts appropriated to appropriation item 018-321, Operating Expenses, to pay such expenses, including membership dues.

Section: 59

No change.

Subject: Ohio Jury Instructions Fund**Section: 59**

Specifies that:

(1) The moneys deposited to the credit of the Ohio Jury Instructions Fund (Fund 403) consist of grants, royalties, dues, conference fees, bequests, devises, and other gifts received for the purpose of supporting costs incurred by the Conference in dispensing educational and informational data to the state's judicial system.

(2) Those moneys be used by the Conference to pay expenses incurred in dispensing educational and informational data to the state's judicial system.

(3) If the moneys accruing to the fund in either of FYs 2004 or 2005 exceed the fund's appropriation authority in either

Section: 59

No change.

As Introduced**As Passed by the House**

of those fiscal years, which is \$200,000 in each of FYs 2004 and 2005 under the executive budget, the fund's appropriation authority automatically increases to reflect that additional revenue.

(4) The Director of Budget and Management and the Controlling Board are prohibited from transferring moneys from Fund 403 to any other fund.

Fiscal effect: This uncodified law provision continues existing practice relative to the handling of the revenues and expenditures associated with Fund 403.

LSC Budget Spreadsheet by Line Item, FY 2004 - FY 2005

<i>Fund</i>	<i>ALI</i>	<i>ALI Title</i>	Estimated 2003	As Introduced 2004	House Sub Bill 2004	% Change Est. 2003 to House 2004	As Introduced 2005	House Sub Bill 2005	% Change House 2004 to House 2005
JCO Judicial Conference of Ohio									
GRF	018-321	Operating Expenses	\$1,124,207	\$ 1,124,000	\$ 962,000	-14.4%	\$ 1,124,000	\$ 957,000	-0.5%
GRF	018-502	Court Security Subsidy	\$0	\$ 0	\$ 0	N/A	\$ 0	\$ 0	N/A
General Revenue Fund Total			\$ 1,124,207	\$ 1,124,000	\$ 962,000	-14.4%	\$ 1,124,000	\$ 957,000	-0.5%
403	018-601	Ohio Jury Instructions	\$200,000	\$ 200,000	\$ 200,000	0.0%	\$ 200,000	\$ 200,000	0.0%
General Services Fund Group Total			\$ 200,000	\$ 200,000	\$ 200,000	0.0%	\$ 200,000	\$ 200,000	0.0%
Total All Budget Fund Groups			\$ 1,324,207	\$ 1,324,000	\$ 1,162,000	-12.2%	\$ 1,324,000	\$ 1,157,000	-0.4%