

# Judicial Conference of Ohio

**Senate Finance and Financial Institutions Committee**

*Jamie L. Doskocil, Budget Analyst*

*Legislative Service Commission*

*May 5, 2005*

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# LSC Redbook for the Judicial Conference of Ohio

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*May 5, 2005*

# Judicial Conference of Ohio

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- Zero growth proposed for GRF budget
- Relocated to the Ohio Judicial Center in March 2004
- Assistant Director position left unfilled for budgetary reasons
- Moneys earmarked for State Council of Uniform State Law

## 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. Another important statutory responsibility is the preparation of judicial impact statements on pending legislation for legislators and members of the judiciary.

The Conference operates under a strategic plan that is updated annually. That plan has three major components: (1) judicial support, (2) judicial independence and responsibility, and (3) public confidence and community outreach. These components are fulfilled 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 713 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 Ohio Courts of Appeals Judges Association, the Ohio Common Pleas Judges Association, the Ohio Association of Domestic Relations Judges, the Ohio Association of Juvenile Court Judges, the Ohio Association of Probate Judges, and the Association of Municipal/County Judges of Ohio are members of the Conference.

The general charge and supervision of the administration of the Conference's affairs rests with judges who serve on the Executive Committee. The Executive Committee is comprised of approximately 50 judges, including the officers, the committee chairs, the six association presidents and vice-presidents, and the Chief Justice and the Administrative Director of the Supreme Court of Ohio.

The Conference has 11 staff members, including the executive director who is appointed by the officers of the Executive Committee. Conference staff provide administrative and research support for more than 20 permanent and *ad hoc* committees that involve over 200 judges. While judges serving on committees receive no compensation for services rendered to the Conference, judges may receive reimbursement for reasonable and necessary expenses.

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, (2) conducting meetings by conference call, when possible, (3) coordinating meeting locations to reduce travel expenses, (4) using e-mail instead of fax or regular mail to share documents, (5) not paying rent at the Ohio Judicial Center, and (6) not replacing a departed assistant director.

**Membership fees**

The Conference currently collects \$100 annually in dues 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 were increased from \$60 to \$100 beginning in 2004. The increase in annual dues was recommended by the Executive Committee and approved by the members.

**Relocation to Ohio Judicial Center**

In the spring of 2004, the Conference relocated to the Ohio Judicial Center at 65 South Front Street in downtown Columbus. The Ohio Judicial Center, formerly known as the Ohio Departments Building, underwent an \$85.6 million restoration and was completed at the beginning of calendar year 2004. Before relocating, the Conference rented private office space at 10 West Broad Street. The move benefited the Conference in a variety of respects, including an increased proximity to other judicial agencies, a larger conference room to accommodate judicial meetings, additional storage space, and greater security for personnel and records. The Supreme Court of Ohio manages all building operations and does not charge rent to the other judicial agencies occupying space in the building.

**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 2005. As of this writing, the Conference’s total FY 2005 GRF spending is estimated at \$957,000. Its total requested GRF funding level in each of FYs 2006 and 2007 is also \$957,000.

**Spending by Fund Group by Fiscal Year**

The table below illustrates several features of the Conference’s spending. First, the Conference relies very heavily on 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<sup>1</sup> created a pronounced short-term spike in the Conference’s FYs 1999 and 2000 spending. Third, subsequent to that “spike,” the Conference’s total annual spending has been in the range of \$1.2 million to \$1.3 million. Since FY 2001, this Conference has relied on the GRF to finance around 80% to 85% of its total annual operating expenses.

<b>Spending by Fund Group by Fiscal Year</b>					
<b>Fiscal Year</b>	<b>GRF</b>	<b>GSF</b>	<b>Total</b>	<b>Percent Change from Prior Fiscal Year</b>	<b>GRF Percentage of Total Spending</b>
1998	\$789,090	\$ 97,680	\$886,770	20.8%	89.0%
1999	\$3,227,364	\$128,216	\$3,355,580	278.4%	96.2%
2000 <sup>+</sup>	\$8,960,563	\$161,385	\$9,121,948	171.8%	98.2%
2001	\$1,063,940	\$187,621	\$1,251,561	(86.3%)	85.0%
2002	\$1,105,705	\$156,202	\$1,261,907	0.8%	87.6%
2003	\$1,124,207	\$200,000	\$1,324,207	4.9%	84.9%
2004	\$918,751	\$193,808	\$1,112,559	(16.0%)	82.6%
2005*	\$957,000	\$200,000	\$1,157,000	4.0%	82.7%
2006*	\$957,000	\$225,000	\$1,182,000	2.2%	81.0%
2007*	\$957,000	\$225,000	\$1,182,000	0.0%	81.0%

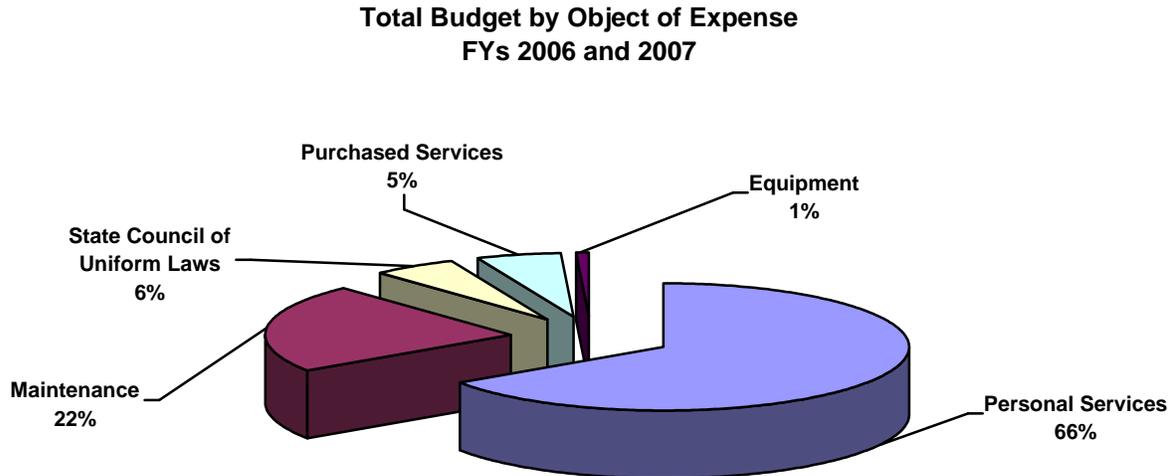
+ Refer to footnote.

\* The amounts displayed for FYs 2005 through 2007 are estimates.

<sup>1</sup> GRF 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.

**FYs 2006-2007 Expense Summary**

As the following pie chart indicates, two-thirds of the Conference’s proposed total biennial budget for FYs 2006 and 2007 will be allocated for personal services, which includes salaries, benefits, retirement, purchased time, and training.

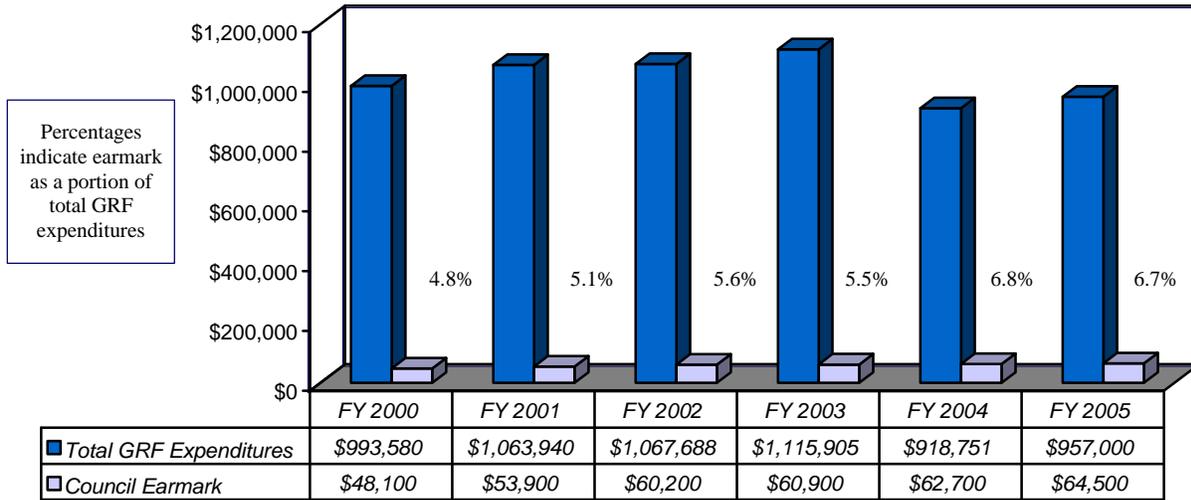


**State Council of Uniform State Laws**

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. The Conference essentially acts as a pass-through funding conduit for the Council. According to the Conference, the earmark is primarily used for membership fees and travel reimbursements for Ohio's delegation in relation to the National Conference of Commissioners on Uniform State Laws. The Conference receives no publications from the Council, does not participate in any meetings, and likewise does not have oversight control over the expenditures. Contained in the executive-recommended budget is a temporary law provision earmarking GRF funds of up to \$66,000 in FY 2006 and up to \$68,000 in FY 2007 for this purpose. The Conference has no discretion in determining the amount that the Council requests. As shown below, the Council's earmark has become an increasingly larger portion of the Conference’s total annual GRF budget, increasing from 4.8% in FY 2000 to 6.7% in FY 2005. The earmark has increased roughly \$2,000 each year.

**State Council Earmark as a Percentage of the Conference's Total Annual GRF Expenditures from FYs 2000 to 2005**



**Staffing Levels**

As the table below illustrates, the Conference has been functioning with around a dozen full-time staff for the last five years or so.

Judicial Conference of Ohio Staffing Levels by Fiscal Year*							
FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005*	FY 2006*	FY 2007*
10	12	12	11	11	11	11	11

\* The staffing levels displayed in the above table represent full-time equivalents (FTEs). The number of FTEs for FYs 2005 through 2007 represents estimates.

## **FACTS AND FIGURES**

A number of the resources and projects that the Judicial Conference of Ohio provides in support of the state's judicial community are outlined below.

### **Conferences and Meetings**

- Annual meeting where approximately one-third of Ohio judges come together for a two-day educational program
- Annual Court Technology Conference for judges and their staff
- Mock Mediation Forums, Public Records & the Courts Workshop, and Judicial Ethics Symposium

### **Publications**

- Ohio Judges Directory
- Billboard – quarterly publication containing information on pending and enacted legislation with an impact on Ohio courts and judges
- For the Record – a quarterly newsletter on county, statewide and national information important to judges
- Ohio Judges Resource Manual, a criminal law bench book, and bench aides for both new and experienced judges
- Citizens Guides Brochures – Jury Service, Grand Jury Service, Ohio Courts, and Legal Terminology

### **Research and Special Projects**

- Ohio Judges Website – [www.ohiojudges.org](http://www.ohiojudges.org)
- Ohio Jury Instructions
- Court Technology Mentor Program
- Programs to promote inter-branch collaboration and partnership that includes a Judicial Legislative Exchange Program and a New Legislator Orientation Program.

## ANALYSIS OF EXECUTIVE PROPOSAL

### Education and Information

**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 two line items that are used to fund the Conference's Education and Information activities, as well as the Governor’s recommended funding levels.

Fund	ALI	Title	FY 2006	FY 2007
<b>General Revenue Fund</b>				
GRF	018-321	Operating Expenses	\$957,000	\$957,000
<b>General Revenue Fund Subtotal</b>			<b>\$957,000</b>	<b>\$957,000</b>
<b>General Services Fund</b>				
GSF	018-502	Ohio Jury Instructions	\$225,000	\$225,000
<b>General Services Fund Subtotal</b>			<b>\$225,000</b>	<b>\$225,000</b>
<b>Total Funding: Education &amp; Information</b>			<b>\$1,182,000</b>	<b>\$1,182,000</b>

The Conference is a single-program series agency. The specific Conference activities that this analysis will focus on involves:

- **Education and Information**

#### Education and 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:** See above table

**Implication of Executive Recommendation:** As of this writing, the Conference’s total FY 2005 GRF spending is estimated at \$957,000. 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 \$957,000 in each of FYs 2006 and 2007. 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.

***Temporary Law Provisions***

**State Council of Uniform State Laws (Section 206.72).** The Conference's executive-recommended budget contains a temporary law provision permitting it to use up to \$66,000 in FY 2006 and up to \$68,000 in FY 2007 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).

**Ohio Jury Instructions Fund (Section 206.72).** The executive-recommended budget contains a temporary law provision 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, 2006 to June 30, 2007. This means that, if Fund 403's revenue exceeds its appropriation authority as set in the executive budget, \$225,000 in each of FYs 2006 and 2007, 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.

## **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

2002	2003	2004	2005 Estimate	2006 House Passed	2007 House Passed
\$1,067,688	\$1,115,905	\$918,751	\$957,000	<b>\$957,000</b>	<b>\$957,000</b>
	4.5%	-17.7%	4.2%	<b>0.0%</b>	<b>0.0%</b>

**Source:** GRF

**Legal Basis:** Section 60 of Am. Sub. H.B. 95 of the 125th 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:** The line item is used to fund the payroll, fringe benefit, maintenance, and equipment costs of the Judicial Conference of Ohio. Associated temporary law permits up to \$66,000 in FY 2006 and up to \$68,000 in FY 2007 of the line item's appropriation in each of those fiscal years 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.

### GRF 018-502 Court Security Subsidy

2002	2003	2004	2005 Estimate	2006 House Passed	2007 House Passed
\$38,017	\$0	\$0	\$0	<b>\$0</b>	<b>\$0</b>
	-100.0%	N/A	N/A	<b>N/A</b>	<b>N/A</b>

**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 associated temporary law, the GRF subsidy line item was used to disburse a one-time appropriation 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 its 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

2002	2003	2004	2005 Estimate	2006 House Passed	2007 House Passed
\$156,202	\$198,944	\$193,808	\$200,000	\$225,000	\$225,000
	27.4%	-2.6%	3.2%	12.5%	0.0%

**Source:** GSF: Dues (\$100 collected annually from active members who hold a judicial office), conference fees, royalties, grants, bequests, devises, and other gifts

**Legal Basis:** Section 60 of Am. Sub. H.B. 95 of the 125th G.A. (originally established by Controlling Board in FY 1965)

**Purpose:** The fund and related line item are 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.

**LSC Budget Spreadsheet by Line Item, FY 2006 - FY 2007**

<i>Fund</i>	<i>ALI</i>	<i>ALI Title</i>	<i>Estimated 2005</i>	<i>As Introduced 2006</i>	<i>House Passed 2006</i>	<i>% Change Est. 2005 to House 2006</i>	<i>As Introduced 2007</i>	<i>House Passed 2007</i>	<i>% Change House 2006 to House 2007</i>
<b>JCO Judicial Conference of Ohio</b>									
GRF	018-321	Operating Expenses	\$957,000	\$ 957,000	\$ 957,000	0.0%	\$ 957,000	\$ 957,000	0.0%
<b>General Revenue Fund Total</b>			<b>\$ 957,000</b>	<b>\$ 957,000</b>	<b>\$ 957,000</b>	<b>0.0%</b>	<b>\$ 957,000</b>	<b>\$ 957,000</b>	<b>0.0%</b>
403	018-601	Ohio Jury Instructions	\$200,000	\$ 225,000	\$ 225,000	12.5%	\$ 225,000	\$ 225,000	0.0%
<b>General Services Fund Group Total</b>			<b>\$ 200,000</b>	<b>\$ 225,000</b>	<b>\$ 225,000</b>	<b>12.5%</b>	<b>\$ 225,000</b>	<b>\$ 225,000</b>	<b>0.0%</b>
<b>Total All Budget Fund Groups</b>			<b>\$ 1,157,000</b>	<b>\$ 1,182,000</b>	<b>\$ 1,182,000</b>	<b>2.2%</b>	<b>\$ 1,182,000</b>	<b>\$ 1,182,000</b>	<b>0.0%</b>

## As Introduced (Executive)

## As Passed by the House

(CD-354-JCO) State Council of Uniform State Laws

## Section: 206.72

## Section: 206.72

Earmarks up to \$66,000 in FY 2006 and up to \$68,000 in FY 2007 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.

Same as the Executive.

(CD-360-JCO) Ohio Jury Instructions Fund

## Section: 206.72

## Section: 206.72

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 education and informational data to the state's judicial system;

(1) Same as the Executive.

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

(2) Same as the Executive.

(3) If the moneys accruing to the fund in either of FYs 2006 or 2007 exceed the fund's appropriation authority in either of those fiscal years, \$225,000 in each of FYs 2006 and 2007 under the executive budget, the fund's appropriation

(3) Same as the Executive.

**As Introduced (Executive)**

authority automatically increases to reflect that additional revenue; and

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

**As Passed by the House**

(4) Same as the Executive.

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