

LSC Greenbook

Analysis of the Enacted Budget

Judiciary/Supreme Court

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ATTACHMENT:

Budget Spreadsheet By Line Item

Judiciary/ Supreme Court

- GRF funding bumped up 2%
- Over 90% of budget allocated for judicial payroll expenses
- \$4.4 million in GRF earmarked for court technology initiative

OVERVIEW

Duties and Responsibilities

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; and
- 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 Summary

Table 1 below summarizes the Supreme Court's budget by fund group.

Fund Group	FY 2011*	FY 2012	% change, FY 2011-FY 2012	FY 2013	% change, FY 2012-FY 2013
General Revenue	\$132,954,042	\$136,090,792	2.4%	\$134,951,582	-0.8%
General Services	\$127,268	\$172,142	35.3%	\$169,420	-1.6%
Federal Special Revenue	\$1,535,620	\$1,653,317	7.7%	\$1,605,717	-2.9%
State Special Revenue	\$4,778,358	\$5,030,668	5.3%	\$4,989,248	-0.8%
TOTAL	\$139,395,288	\$142,946,919	2.6%	\$141,715,967	-0.9%

*FY 2011 figures are actual expenditures.

To support the Court's services and activities, the budget appropriates a total of \$142.9 million in FY 2012, an increase of \$3.6 million, or 2.6%, from 2011 expenditures totaling \$139.4 million. For FY 2013, the budget appropriates a total of \$141.7 million, a decrease of \$1.2 million, or 0.9%, from the total FY 2012 appropriation. Other Court budgetary highlights include the following:

- Over 90% of its total biennial appropriation will likely be allocated for personal services, which represents the payroll-related expenses (salary and fringe benefits) associated with 700-plus judges, 300-plus court of appeals staff, and 260-plus Supreme Court administrative staff; and
- The Court is primarily a GRF-funded state judicial entity, in that the GRF pays for roughly 95% of the annual cost of its activities and services.

Employee Count

Table 2 below summarizes the Court's annual employee count from FY 2010 projected through FY 2013, 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 Employee Count by Line Item, FY 2010-FY 2013				
Fund/Line Item	FY 2010	FY 2011	FY 2012*	FY 2013*
GRF/005321				
Judges/Clerks**	813	812	812	812
Courts of Appeals Staff	301	301	301	301
Supreme Court Staff	206	206	209	209
Intermittent RAJs***	109	100	100	100
GRF/005321 Subtotal	1,429	1,419	1,422	1,422
GRF/005401	3	3	0	0
GRF/005409	0	0	0	0
GSF/005601	1	1	1	1
FED/005603	1	1	1	1
SSR/005605	43	43	43	43
SSR/005606	9	9	9	9
TOTAL	1,486	1,476	1,476	1,476

*FY 2012-FY 2013 are Court provided estimates.

**Starting January 2011, one judgeship was abolished; total judges 724; total clerks 88.

***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 2012 and FY 2013 appropriations.

Table 3. Appropriations for Administrative Operations and Affiliates				
Fund	ALI and Name		FY 2012	FY 2013
General Revenue Fund				
GRF	005321	Operating Expenses – Judiciary/Supreme Court	\$133,704,620	\$132,565,410
GRF	005406	Law-Related Education	\$236,172	\$236,172
GRF	005409	Ohio Courts Technology Initiative	\$2,150,000	\$2,150,000
General Revenue Fund Subtotal			\$136,090,792	\$134,951,582
General Services Fund Group				
6720	005601	Continuing Judicial Education	\$172,142	\$169,420
Federal Special Revenue Fund Group				
3J00	005603	Federal Grants	\$1,653,317	\$1,605,717
State Special Revenue Fund Group				
4C80	005605	Attorney Services	\$3,718,328	\$3,695,192
5HT0	005617	Court Interpreter Certification	\$39,000	\$39,000
5T80	005609	Grants and Awards	\$50,000	\$50,000
6A80	005606	Supreme Court Admissions	\$1,223,340	\$1,205,056
State Special Revenue Fund Group Subtotal			\$5,030,668	\$4,989,248
Total Funding: Administrative Operations and Affiliates			\$142,946,919	\$141,715,967

Operating Expenses (GRF line item 005321)

This GRF line item's appropriation, which accounts for 95.2% 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 724 judges, (2) the operating costs of the Court's administrative structure, and (3) the payment of salaries and benefits for over 300 employees of the appellate courts. For these purposes in each of FYs 2012 and 2013, the budget appropriates \$133,704,620 and \$132,565,410, respectively.

The FY 2012 appropriation represents a \$3.1 million, or 2.4%, increase over the FY 2011 expenditure of \$130,575,037. The FY 2013 appropriation represents a \$1.1 million, or 0.9%, decrease from the FY 2012 appropriation. Almost all 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). A related temporary law provision permits up to \$206,770 in each fiscal year to be used to support the functions of the State Criminal Sentencing Council.

The broader components into which the line item's expenditures fit is summarized in Table 4 below; it is then followed by a brief description of each component.

Components	Estimated FY 2012 GRF Cost	Estimated FY 2013 GRF Cost
Judges' Salaries	\$85.1 million	\$84.8 million
Court of Appeals Staff	\$23.6 million	\$23.0 million
Supreme Court Administrative Operations	\$25.0 million	\$24.8 million
Total	\$133.7 million	\$132.6 million

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 courts of common pleas is provided additional compensation equal to one-eighth of that clerk's compensation 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 300-plus staff of the state's 12 courts of appeals.

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.

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.

Law-Related Education (GRF line item 005406)

An ongoing temporary law provision requires the entire amount appropriated to this GRF line item in each fiscal year to 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. For distribution to the Ohio Center for Law-Related Education, the budget appropriates \$236,172 for each of FYs 2012 and 2013, identical to the amount expended in FY 2011.

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). For this purpose, the budget appropriates \$2,150,000 in each of FYs 2012 and 2013, an increase of \$213,932, or 11.1%, from FY 2011 expenditures of \$1,936,068. Virtually all of the funding will likely be allocated for personal services contracts.

The development of the OCN system is complete and the system is fully functional. Supreme Court staff expects that OCN will provide connectivity between Ohio courts, easing the exchange, storage, and access to case information. Over the course of the current FY 2010-FY 2011 biennium, the Supreme Court connected additional court case management systems to the OCN data warehouse. OCN currently contains around 37% of the court case volume statewide. For the FY 2012-FY 2013 biennium, Supreme Court staff intends to add another 20%, which will bring the volume of court cases statewide available through OCN up to 57%.

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. For this purpose, the budget appropriates \$172,142 in FY 2012 and \$169,420 in FY 2013. These appropriated amounts will likely be allocated for a mix of operating expenses, including payroll, supplies and maintenance, and purchased personal services.

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 or the Ohio Department of Public Safety's Division of Criminal Justice Services. The bulk of the line item's recent expenditures have been for the purpose of improving the interaction of children and families with the judicial system, including developing partnerships or collaborations between the courts and child protection agencies.

For the line item's FY 2012 and FY 2013 appropriations, the budget appropriates \$1,653,317 and \$1,605,717, respectively, largely for the following purposes:

- The Ohio Summit on Children, 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 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 Basic 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.

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. For these various services and activities, the budget appropriates \$3,718,328 in FY 2012 and \$3,695,192 in FY 2013. These appropriated amounts are likely to be allocated, in approximate order of magnitude, as follows: personal services, supplies and maintenance, purchased personal services, transfers, and equipment.

Court Interpreter Certification (SSR line item 005617)

This SSR line item provides for language experts to rate, or grade, the oral examinations of those applying to become certified court interpreters. For this purpose, the budget appropriates \$39,000 in each of FYs 2012 and 2013.

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. For this purpose, the budget appropriates \$50,000 in each of FYs 2012 and 2013.

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. For this purpose, the budget appropriates \$1,223,340 in FY 2012 and \$1,205,056 in FY 2013. These appropriated amounts are likely to be allocated, in approximate order of magnitude, as follows: personal services, purchased personal services, and supplies and maintenance.

Permanent Law Changes

Summarized below are some of the provisions in the budget amending current law as it relates to the operation of courts in Ohio.

Official Reports by the Clerk of the Supreme Court

The budget removes the requirement that the Clerk of the Supreme Court file annual reports of the transactions and proceedings of the Court with the Governor, the Secretary of State, and the State Library (R.C. 149.01). This change will have no fiscal effect on the Court, as no such reports are currently being filed.

Municipal Court Jurisdiction over the Village of West Millgrove

The budget moves the jurisdiction over the Village of West Millgrove from the Fostoria Municipal Court to the Bowling Green Municipal Court. There will a shift in case-related expenditures and court cost and fine revenue from the Fostoria Municipal Court to the Bowling Green Municipal Court.

Court Filing Fees

The budget requires that:

- Expenditures of funds by municipal court judges, county court judges, juvenile court judges, probate court judges, domestic relations court judges, and court of common pleas judges received for computerized legal research be subject to appropriation by the board of county commissioners and permits a court to expend certain surplus funds upon an order of the court, subject to the court making an annual report listing the use of all such funds available to the public; and
- Expenditures of funds by municipal court judges and county court judges received for the resolution of disputes be subject to appropriation by the board of county commissioners and permits a court to expend certain surplus funds upon an order of the court, subject to the court making an annual report listing the use of all such funds available to the public.

These provisions could result in some change in the amount of, and purpose for which, these moneys will be spent from what would otherwise have occurred under preexisting law and practice. The appropriated amounts could be for greater or lesser than would have otherwise occurred or could be allocated for a different mix of purposes.

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FY 2012 - FY 2013 Final Appropriation Amounts

All Fund Groups

Line Item Detail by Agency					Appropriations	FY 2011 to FY 2012	Appropriations	FY 2012 to FY 2013
			FY 2010	FY 2011	FY 2012	% Change	FY 2013	% Change
Report For Main Operating Appropriations Bill			Version: Enacted					
JSC Judiciary / Supreme Court								
GRF	005321	Operating Expenses - Judiciary/Supreme Court	\$ 128,178,011	\$ 130,575,037	\$ 133,704,620	2.40%	\$ 132,565,410	-0.85%
GRF	005401	State Criminal Sentencing Council	\$ 155,331	\$ 206,765	\$ 0	-100.00%	\$ 0	N/A
GRF	005406	Law-Related Education	\$ 236,172	\$ 236,172	\$ 236,172	0.00%	\$ 236,172	0.00%
GRF	005409	Ohio Courts Technology Initiative	\$ 2,170,510	\$ 1,936,068	\$ 2,150,000	11.05%	\$ 2,150,000	0.00%
General Revenue Fund Total			\$ 130,740,023	\$ 132,954,042	\$ 136,090,792	2.36%	\$ 134,951,582	-0.84%
6720	005601	Continuing Judicial Education	\$ 256,042	\$ 127,268	\$ 172,142	35.26%	\$ 169,420	-1.58%
General Services Fund Group Total			\$ 256,042	\$ 127,268	\$ 172,142	35.26%	\$ 169,420	-1.58%
3J00	005603	Federal Grants	\$ 1,250,084	\$ 1,535,620	\$ 1,653,317	7.66%	\$ 1,605,717	-2.88%
Federal Special Revenue Fund Group Total			\$ 1,250,084	\$ 1,535,620	\$ 1,653,317	7.66%	\$ 1,605,717	-2.88%
4C80	005605	Attorney Services	\$ 3,358,373	\$ 3,789,510	\$ 3,718,328	-1.88%	\$ 3,695,192	-0.62%
5HT0	005617	Court Interpreter Certification	\$ 1,185	\$ 21,263	\$ 39,000	83.42%	\$ 39,000	0.00%
5T80	005609	Grants and Awards	\$ 58,372	\$ 33,407	\$ 50,000	49.67%	\$ 50,000	0.00%
6A80	005606	Supreme Court Admissions	\$ 1,204,256	\$ 934,178	\$ 1,223,340	30.95%	\$ 1,205,056	-1.49%
State Special Revenue Fund Group Total			\$ 4,622,186	\$ 4,778,358	\$ 5,030,668	5.28%	\$ 4,989,248	-0.82%
Judiciary / Supreme Court Total			\$ 136,868,336	\$ 139,395,288	\$ 142,946,919	2.55%	\$ 141,715,967	-0.86%