

# Greenbook

## LBO Analysis of Enacted Budget

### Judiciary/Supreme Court

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Attachment:

Appropriation Spreadsheet

# LBO Greenbook

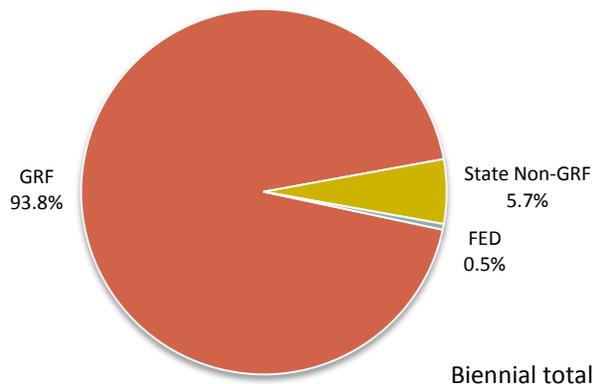
## Judiciary/Supreme Court

### Quick look...

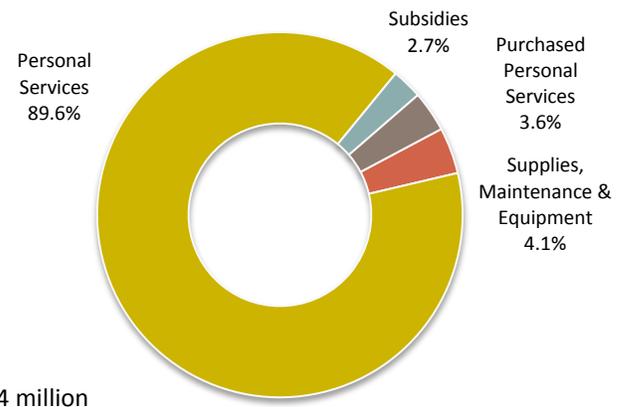
- The Judiciary/Supreme Court budget consists of three major components: (1) the operation of the Supreme Court, (2) the payment of the salaries and benefits of Ohio’s judges, and (3) the payment of the salaries and benefits of the employees of the district courts of appeals.
- Total budget: \$200.6 million in FY 2020 and \$203.7 million in FY 2021.
  - Sources of the budget: GRF (93.6%), state non-GRF (5.8%), and federal grants (0.6%).
  - Approximately 90% of the Court’s budget is expected to be used for personal services.

Fund Group	FY 2018 Actual	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
General Revenue (GRF)	\$159,405,697	\$167,791,989	\$187,899,715	\$191,269,380
Dedicated Purpose (DPF)	\$9,757,835	\$9,923,535	\$11,327,541	\$11,076,891
Federal (FED)	\$881,718	\$1,282,097	\$1,118,471	\$1,073,190
Fiduciary (FID)	\$286,279	\$196,505	\$303,500	\$313,500
Total	\$170,331,529	\$179,194,989	\$200,649,227	\$203,732,961
% change	--	5.2%	12.0%	1.5%
<i>GRF % change</i>	--	5.3%	12.0%	1.8%

**Chart 1: Court Budget by Fund Group  
FY 2020-FY 2021 Biennium**



**Chart 2: Court Budget by Expense Category  
FY 2020-FY 2021 Biennium**



## Agency overview

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 summary

The budget provides a total appropriation of \$200.6 million in FY 2020 and \$203.7 million in FY 2021. The table and Chart 1 shown in the “**Quick look**” section present the appropriations by fund group. As shown on Chart 1, GRF accounts for 93.8% of the Court's budget during the biennium followed by state non-GRF (5.7%) and federal (0.5%).

Chart 2 in the “**Quick look**” section shows the appropriations by object of expense. Approximately 90% of the total biennial appropriation, or \$362.2 million, is expected to be allocated for payroll costs, followed by purchased personal services (3.6%, or \$14.6 million), supplies and maintenance (2.9%, or \$11.6 million), subsidies (2.7%, or \$10.9 million), equipment (1.3%, or \$5.1 million), and transfers and nonexpense (0.01%, or \$24,700).

## Staffing levels

Table 1 below summarizes the number of personnel the Court anticipates paying from its operating budget in each of FY 2020 and FY 2021, and also notes the line items that are expected to cover that cost. This includes sitting and retired assigned judges,<sup>1</sup> certain clerks of courts, courts of appeals staff, and staff of the Court performing various administrative functions. Approximately 96% of the personnel in each fiscal year will be paid with money appropriated from the GRF.

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<sup>1</sup> The reasons for assignments of retired judges are as follows: (1) an overburdened 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.

<b>Fund/Line Item</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>GRF/005321</b>	<b>1,437</b>	<b>1,438</b>
<i>Judges/Clerks*</i>	<i>810</i>	<i>811</i>
<i>Courts of Appeals Staff</i>	<i>288</i>	<i>288</i>
<i>Supreme Court Staff</i>	<i>216</i>	<i>216</i>
<i>Intermittent Retired Assigned Judges</i>	<i>123</i>	<i>123</i>
<b>GRF/005401</b>	<b>4</b>	<b>4</b>
<i>Criminal Sentencing Commission Staff</i>	<i>4</i>	<i>4</i>
<b>DPF/005605</b>	<b>53</b>	<b>53</b>
<i>Supreme Court Staff</i>	<i>53</i>	<i>53</i>
<b>Total</b>	<b>1,494</b>	<b>1,495</b>

\*Additional Franklin County Common Pleas Court judge starts January 2021.

## Analysis of FY 2020-FY 2021 budget

This section provides an analysis of the funding for each appropriation line item (ALI) in the Judiciary/Supreme Court budget.

### Operating Expenses – Judiciary/Supreme Court (ALI 005321)

<b>FY 2016 Actual</b>	<b>FY 2017 Actual</b>	<b>FY 2018 Actual</b>	<b>FY 2019 Actual</b>	<b>FY 2020 Appropriation</b>	<b>FY 2021 Appropriation</b>
<b>GRF ALI 005321, Operating Expenses – Judiciary/Supreme Court</b>					
\$142,937,200	\$148,854,153	\$155,966,578	\$164,394,673	\$181,708,720	\$185,018,785
% change	4.1%	4.8%	5.4%	10.5%	1.8%

This GRF line item's appropriation, which accounts for 91% of the Court's total biennial budget, is allocated for three major expenditure categories, in order of magnitude, as follows: (1) the payment of the state portion of the salaries and benefits of 715 judges and seven justices, (2) the operating costs of the Court's administrative structure, and (3) the payment of salaries and benefits for 288 staff of the appellate courts.

The broader components into which these specific types of expenditures fit are summarized in table 2 below, followed by a brief description of each component.

Table 2. Major Projected Cost Components of GRF Line Item 005321		
Components	Estimated FY 2020 GRF Cost	Estimated FY 2021 GRF Cost
Judges' Salaries	\$112,931,855	\$115,867,539
Courts of Appeals Staff	\$34,427,338	\$34,624,504
Administrative Operations	\$34,349,527	\$34,526,742
<b>Total</b>	<b>\$181,708,720</b>	<b>\$185,018,785</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%), 396 judges of the courts of common pleas (state share 91%), and 250 judges of the municipal and county courts (state share 56%);
2. Each of the 88 clerks of the courts 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.

**Courts of appeals support staff.** This component funds 100% of the salaries and fringe benefits for 288 staff of the state's 12 courts of appeals.

**Supreme Court administrative operations.** This component funds the Court's administrative structure, including the following divisions: Administrative, Attorney Services, Clerk, Legal Resources, Judicial and Education Services, Court Services, Information Technology, and Facilities Management. There are an estimated 216 total full-time equivalent (FTE) staff positions associated with these divisions of the Court's administrative structure.

## State Criminal Sentencing Commission (ALI 005401)

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
<b>GRF ALI 005401, State Criminal Sentencing Commission</b>					
\$0	\$0	\$0	\$0	\$599,970	\$614,970
% change	--	--	--	--	2.5%

This GRF line item's appropriation is earmarked for the operation of the State Criminal Sentencing Commission which is a 31-member commission originally created by S.B. 258 of the 118<sup>th</sup> General Assembly. The Commission reviews sentencing statutes and sentencing patterns and makes recommendations on statutory changes to the General Assembly. Prior to FY 2020,

these costs were paid from the Court's GRF line item 005321, Operating Expenses – Judiciary/Supreme Court.

The line item largely is expected to support the costs of paying the equivalent of four full-time staff. In FY 2020, 80.2% of the line item's appropriation, or \$481,470, is expected to be used for personal services (wages, salaries, fringe benefits, and payroll checkoff charges), 12.5%, or \$75,000, for purchased personal services, 5.7%, or \$34,000, for supplies and maintenance, and 1.6%, or \$9,500, for equipment. In FY 2021, 76.7% of the line item's appropriation, or \$471,470, is expected to be used for personal services (wages, salaries, fringe benefits, and payroll checkoff charges), 16.3%, or \$100,000, for purchased personal services, 5.5%, or \$34,000, for supplies and maintenance, and 1.5%, or \$9,500, for equipment.

### Law-Related Education (ALI 005406)

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
<b>GRF ALI 005406, Law-Related Education</b>					
\$166,172	\$166,172	\$166,172	\$166,172	\$200,000	\$200,000
% change	0.0%	0.0%	0.0%	20.4%	0.0%

This line item is earmarked for distribution to the Ohio Center for Law-Related Education for the purpose 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. 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.

### Ohio Courts Technology Initiative (ALI 005409)

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
<b>GRF ALI 005409, Ohio Courts Technology Initiative</b>					
\$2,944,400	\$3,378,583	\$3,272,947	\$3,231,143	\$5,391,025	\$5,435,625
% change	14.7%	-3.1%	-1.3%	66.8%	0.8%

This GRF line item's appropriation is earmarked to facilitate the exchange of information and warehousing of data by and between Ohio courts and other justice system partners, including: (1) the continuing development and maintenance of the Ohio Courts Network (OCN), (2) operation of the Commission on Technology and the Courts which aids in the orderly adoption and use of technology in the courts, and (3) grants to local courts to support the adoption and use of relevant technology.

In each fiscal year, about 53% of the line item's appropriation, or \$2.9 million, is expected to be allocated for subsidies, 26%, or roughly \$1.4 million, for purchased personal services, 20%, or \$1.1 million, for equipment, and 1%, or \$50,000, for supplies and maintenance.

## Attorney Services (ALI 005605)

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
<b>DPF Fund 4C80 ALI 005605, Attorney Services</b>					
\$7,299,961	\$7,756,059	\$8,227,676	\$8,430,087	\$10,805,858	\$10,553,340
% change	6.2%	6.1%	2.5%	28.2%	-2.3%

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. The line item is supported by money appropriated from the Attorney Registration Fund (Fund 4C80), which consists of attorney registration and continuing legal education fees. The budget consolidates the existing Supreme Court Admissions Fund (Fund 6A80) into the Attorney Registration Fund (Fund 4C80). As a result, starting with FY 2020, all of Fund 6A80's money and related expenses will be handled through Fund 4C80.

The line item is expected to support the costs of paying the equivalent of 53 full-time staff. In each fiscal year, about 53% of the line item's appropriation, or \$5.7 million, is expected to be used for personal services (wages, salaries, fringe benefits, and payroll checkoff charges), 25%, or \$2.6 million, for purchased personal services, 11%, or \$1.2 million, for subsidies, 10%, or \$1.1 million, for supplies and maintenance, and the remaining 1%, or \$78,000, for a mix of equipment and transfers and nonexpense.

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

## Court Interpreter Certification (ALI 005617)

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
<b>DPF Fund 5HT0 ALI 005617, Court Interpreter Certification</b>					
\$1,705	\$40,685	\$21,387	\$4,970	\$12,459	\$14,327
% change	2,286.2%	-47.4%	-76.8%	150.7%	15.0%

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. It is expected that 100% of each fiscal year's appropriation will be used for 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 5HT0 to any other fund, and (3) requires any interest earned on the fund's money to be credited to the fund.

### Civil Justice Grant Program (ALI 005626)

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
<b>DPF Fund 5SP0 ALI 005626, Civil Justice Grant Program</b>					
\$0	\$0	\$12,337	\$103,828	\$350,000	\$350,000
% change	--	--	741.6%	237.1%	0.0%

This line item is used for grants to not-for-profit organizations and agencies dedicated to providing legal aid to underserved populations, to fund innovative programs directed at this purpose, and to increase access to the judicial services of that population. It is supported by money appropriated from the Civil Justice Grant Program Fund (Fund 5SP0), which consists of: (1) one-half, or \$150, of every pro hac vice fee charged to attorneys from other states trying cases in Ohio, and (2) revenues from a voluntary \$50 donation made as part of the biennium attorney registration process. It is expected that 100% of each fiscal year's appropriation will be used for subsidies.

**Temporary law.** A related temporary law provision: (1) prohibits the Director of Budget and Management or the Controlling Board from transferring any of the money in Fund 5SP0 to any other fund, and (2) requires any interest earned on the fund's money to be credited to the fund.

### Grants and Awards (ALI 005609)

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
<b>DPF Fund 5T80 ALI 005609, Grants and Awards</b>					
\$50,194	\$43,723	\$590	\$178	\$8,224	\$8,224
% change	-12.9%	-98.6%	-69.8%	4,518.4%	0.0%

This line item is used to distribute grants and awards that the Court has received for a designated purpose or purposes and credited to the Grants and Awards Fund (Fund 5T80). The Court anticipates using this appropriation for juvenile detention officers training. No other project grants or awards are anticipated.

In each fiscal year, 60.8% of the line item's appropriation, or \$5,000, is expected to be used for supplies and maintenance, and the remaining 39.2%, or \$3,224, for 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 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 to be credited to the state's GRF.

### Judiciary/Supreme Court Education (ALI 005601)

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
<b>DPF Fund 6720 ALI 005601, Judiciary/Supreme Court Education</b>					
\$3,125	\$174,380	\$208,346	\$117,765	\$151,000	\$151,000
% change	5,480.2%	19.5%	-43.5%	28.2%	0.0%

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 Judiciary/Supreme Court Education Fund (Fund 6720), which largely consists of fees paid by judges and other court personnel for attending continuing education courses.

In each fiscal year, 79% of the line item's appropriation, or \$120,000, is expected to be used for supplies and maintenance, 20%, or \$30,000, for purchased personal services, and the remaining 1%, or \$1,000, for transfers and nonexpense.

**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 to be credited to the fund.

### County Law Library Resources Boards (ALI 005620)

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
<b>FID Fund 5JY0 ALI 005620, County Law Library Resources Boards</b>					
\$186,697	\$107,465	\$286,279	\$196,505	\$303,500	\$313,500
% change	-42.4%	166.4%	-31.4%	54.4%	3.3%

This line item, which consists of money forwarded from each county law library resources fund and credited to 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.

In FY 2020, 65.9% of the line item's appropriation, or \$200,000, is expected to be used for equipment, 21.4%, or \$65,000, for subsidies, 11.5%, or \$35,000, for purchased personal services, and 1.2%, or \$3,500, for supplies and maintenance.

In FY 2021, 63.8% of the line item's appropriation, or \$200,000, is expected to be used for equipment, 20.7%, or \$65,000, for subsidies, 14.4%, or \$45,000, for purchased personal services, and 1.1%, or \$3,500, 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 5JY0 to any other fund, and (3) requires any interest earned on the fund's money to be credited to the fund.

### Federal Grants (ALI 005603)

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Appropriation	FY 2021 Appropriation
<b>FED Fund 3J00 ALI 005603, Federal Grants</b>					
\$1,207,788	\$1,305,625	\$881,718	\$1,282,097	\$1,118,471	\$1,073,190
% change	8.1%	-32.5%	45.4%	-12.8%	-4.0%

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 Office of Criminal Justice Services.

In FY 2020, 67.2% of the line item's appropriation, or \$751,175, is expected to be used for subsidies, 24.6%, or \$275,296, for supplies and maintenance, and 8.2%, or \$92,000, for purchased personal services.

In FY 2021, 66.6% of the line item's appropriation, or \$714,174, is expected to be used for subsidies, 27.1%, or \$290,016, for supplies and maintenance, and 6.3%, or \$68,000, for 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 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 to be transferred or credited to the state's GRF.

# FY 2020 - FY 2021 Final Appropriations

# All Fund Groups

Line Item Detail by Agency			Appropriations			FY 2019 to FY 2020	Appropriations	FY 2020 to FY 2021
			FY 2018	FY 2019	FY 2020	% Change	FY 2021	% 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	\$ 155,966,577	\$ 164,394,673	\$ 181,708,720	10.53%	\$ 185,018,785	1.82%
GRF	005401	State Criminal Sentencing Commission	\$ 0	\$ 0	\$ 599,970	N/A	\$ 614,970	2.50%
GRF	005406	Law-Related Education	\$ 166,172	\$ 166,172	\$ 200,000	20.36%	\$ 200,000	0.00%
GRF	005409	Ohio Courts Technology Initiative	\$ 3,272,947	\$ 3,231,143	\$ 5,391,025	66.85%	\$ 5,435,625	0.83%
<b>General Revenue Fund Total</b>			<b>\$ 159,405,697</b>	<b>\$ 167,791,989</b>	<b>\$ 187,899,715</b>	<b>11.98%</b>	<b>\$ 191,269,380</b>	<b>1.79%</b>
4C80	005605	Attorney Services	\$ 8,227,676	\$ 8,430,087	\$ 10,805,858	28.18%	\$ 10,553,340	-2.34%
5HT0	005617	Court Interpreter Certification	\$ 21,387	\$ 4,970	\$ 12,459	150.68%	\$ 14,327	14.99%
5SP0	005626	Civil Justice Grant Program	\$ 12,337	\$ 103,828	\$ 350,000	237.10%	\$ 350,000	0.00%
5T80	005609	Grants and Awards	\$ 590	\$ 178	\$ 8,224	4,518.41%	\$ 8,224	0.00%
6720	005601	Judiciary/Supreme Court Education	\$ 208,346	\$ 117,765	\$ 151,000	28.22%	\$ 151,000	0.00%
6A80	005606	Supreme Court Admissions	\$ 1,287,499	\$ 1,266,707	\$ 0	-100.00%	\$ 0	N/A
<b>Dedicated Purpose Fund Group Total</b>			<b>\$ 9,757,836</b>	<b>\$ 9,923,535</b>	<b>\$ 11,327,541</b>	<b>14.15%</b>	<b>\$ 11,076,891</b>	<b>-2.21%</b>
5JY0	005620	County Law Library Resources Boards	\$ 286,279	\$ 196,505	\$ 303,500	54.45%	\$ 313,500	3.29%
<b>Fiduciary Fund Group Total</b>			<b>\$ 286,279</b>	<b>\$ 196,505</b>	<b>\$ 303,500</b>	<b>54.45%</b>	<b>\$ 313,500</b>	<b>3.29%</b>
3J00	005603	Federal Grants	\$ 881,717	\$ 1,282,097	\$ 1,118,471	-12.76%	\$ 1,073,190	-4.05%
<b>Federal Fund Group Total</b>			<b>\$ 881,717</b>	<b>\$ 1,282,097</b>	<b>\$ 1,118,471</b>	<b>-12.76%</b>	<b>\$ 1,073,190</b>	<b>-4.05%</b>
<b>Judiciary/Supreme Court Total</b>			<b>\$ 170,331,529</b>	<b>\$ 179,194,126</b>	<b>\$ 200,649,227</b>	<b>11.97%</b>	<b>\$ 203,732,961</b>	<b>1.54%</b>