

**Greenbook**  
**LSC Analysis of Enacted Budget**

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**Judiciary/Supreme Court**

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### **ATTACHMENT:**

Budget Spreadsheet By Line Item

# Judiciary/ Supreme Court

- Enacted judicial salary increases drive need for additional GRF funding
- 78% of GRF budget pays judges' and courts of appeals staff salaries
- \$6.7 million GRF court technology earmark

## OVERVIEW

### Duties and Responsibilities

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 Overview

The Court's FY 2017 expenditures are compared with appropriations for FY 2018 and FY 2019, by fund group, in Table 1 below.

Fund Group	FY 2017*	FY 2018	% Change, FY 2017-FY 2018	FY 2019	% Change, FY 2018-FY 2019
General Revenue	\$152,398,909	\$164,744,685	8.1%	\$173,130,454	5.1%
Dedicated Purpose	\$9,265,775	\$10,088,777	8.9%	\$10,064,914	-0.2%
Fiduciary	\$107,465	\$357,500	232.7%	\$357,500	0.0%
Federal	\$1,305,626	\$1,705,708	30.6%	\$1,528,315	-10.4%
<b>TOTAL</b>	<b>\$163,077,774</b>	<b>\$176,896,670</b>	<b>8.5%</b>	<b>\$185,081,183</b>	<b>4.6%</b>

\*FY 2017 figures represent actual expenditures.

To support the Court's services and activities, the budget appropriates \$176,896,670 in FY 2018, an increase of \$13,818,896, or 8.5%, from FY 2017 expenditures totaling \$163,077,774. For FY 2019, the budget appropriates \$185,081,183, an increase of \$8,184,513, or 4.6%, from the FY 2018 appropriation.

By far the largest component of the year-over-year increases in the Court's budget is the money being appropriated from the GRF. For FY 2018, the GRF appropriation totals \$164,744,685, an increase of \$12,345,776, or 8.1%, from FY 2017 expenditures totaling \$152,398,909. For FY 2019, the budget appropriates \$173,130,454, an increase of \$8,385,769, or 5.1%, from the FY 2018 appropriation. These GRF changes primarily are due to increases in the salaries of the Ohio Supreme Court justices and judges of the courts of appeals, courts of common pleas, municipal courts, and county courts by 5% each calendar year enacted by H.B. 64 of the 131st General Assembly. To date, two of the scheduled judicial salary increases have taken effect on September 29, 2015 and January 1, 2017, respectively. Two more increases are scheduled to take effect on January 1, 2018, and January 1, 2019, respectively.

Two additional notable aspects of the Court's budget are the following:

- Around 90% of its total biennial appropriation is expected to be allocated for personal services (wages and salaries, fringe benefits, and payroll checkoff charges).
- The Court is primarily a GRF-funded state judicial entity, in that the GRF pays for approximately 93% of the biennial cost of its activities and services.

## Personnel

Table 2 below summarizes the number of personnel the Court's anticipates paying from its operating budget in each of FYs 2018 and 2019, 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 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.

<b>Table 2. Judges and Staff by Line Item, FY 2018-FY 2019*</b>		
<b>Fund/Line Item</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>GRF/005321</b>		
Judges/Clerks	810	810
Courts of Appeals Staff	284	284
Supreme Court Staff	222	223
Intermittent RAJs**	81	81
<b>GRF/005321 Subtotal</b>	<b>1,397</b>	<b>1,398</b>
FED/005603	3	3
DPF/005605	42	42
DPF/005606	8	8
<b>TOTAL</b>	<b>1,450</b>	<b>1,451</b>

\*FY 2018-FY 2019 are Court provided estimates.

\*\*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. The table 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 2018 and FY 2019 appropriations.

<b>Appropriations for Judiciary/Supreme Court</b>				
<b>Fund</b>	<b>ALI and Name</b>		<b>FY 2018</b>	<b>FY 2019</b>
<b>General Revenue Fund (GRF)</b>				
GRF	005321	Operating Expenses – Judiciary/Supreme Court	\$161,228,513	\$169,614,282
GRF	005406	Law-Related Education	\$166,172	\$166,172
GRF	005409	Ohio Courts Technology Initiative	\$3,350,000	\$3,350,000
<b>General Revenue Fund Subtotal</b>			<b>\$164,744,685</b>	<b>\$173,130,454</b>
<b>Dedicated Purpose Fund (DPF) Group</b>				
4C80	005605	Attorney Services	\$8,166,646	\$8,122,279
5HT0	005617	Court Interpreter Certification	\$8,670	\$9,537
5SP0	005626	Civil Justice Grant Program	\$350,000	\$350,000
5T80	005609	Grants and Awards	\$6,000	\$6,000
6720	005601	Judiciary/Supreme Court Education	\$100,000	\$100,000
6A80	005606	Supreme Court Admissions	\$1,457,461	\$1,477,098
<b>Dedicated Purpose Fund Group Subtotal</b>			<b>\$10,088,777</b>	<b>\$10,064,914</b>
<b>Fiduciary Fund (FID) Group</b>				
5JY0	005620	County Law Library Resources Boards	\$357,500	\$357,500
<b>Fiduciary Fund Group Subtotal</b>			<b>\$357,500</b>	<b>\$357,500</b>
<b>Federal Fund (FED) Group</b>				
3J00	005603	Federal Grants	\$1,705,708	\$1,528,315
<b>Federal Fund Group Subtotal</b>			<b>\$1,705,708</b>	<b>\$1,528,315</b>
<b>Total Funding: Judiciary/Supreme Court</b>			<b>\$176,896,670</b>	<b>\$185,081,183</b>

#### Operating Expenses (GRF line item 005321)

This GRF line item's appropriation, which accounts for 91% of the Court's total biennial budget, is allocated for three major cost components, in order of magnitude, as follows: (1) the payment of the state portion of the salaries and benefits of justices and judges of certain Ohio courts, clerks of the court of common pleas, and retired assigned

judges, (2) the operating costs of the Court's administrative structure, and (3) the payment of salaries and benefits for 284 staff of the appellate courts.

For these purposes in FY 2018, the budget appropriates \$161,228,513, an increase of \$12,374,360, or 8.3%, from FY 2017 expenditures totaling \$148,854,153. For FY 2019, the budget appropriates \$169,614,282, an increase of \$8,385,769, or 5.2%, from the FY 2018 appropriation. Approximately 95% of each year's amount is expected to be allocated for personal services (the salary, wage, fringe benefit, and payroll checkoff costs primarily associated with justices, judges, and court administrative staff). The remainder will be allocated for a mix of purchased personal services, supplies and maintenance, and equipment.

Table 3 below summarizes, for FYs 2018 and 2019, the projected allocation of the line item's appropriation for the three above-noted major cost components. It is followed by a brief description of each component.

<b>Table 3. Major Projected Cost Components of GRF Line Item 005321</b>		
<b>Components</b>	<b>Estimated FY 2018 GRF Cost</b>	<b>Estimated FY 2019 GRF Cost</b>
Judicial Salaries	\$98,776,630	\$105,251,862
Courts of Appeals Staff	\$30,587,296	\$31,549,310
Supreme Court Administrative Operations	\$31,864,587	\$32,813,110
<b>TOTAL</b>	<b>\$161,228,513</b>	<b>\$169,614,282</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%), 395 judges of the courts of common pleas (state share 91%), and 251 judges of the municipal and county courts (state share 53%);
2. Each of the 88 clerks of the court 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 284 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,<sup>2</sup> Attorney Services, Clerk, Legal Resources, Judicial and Education Services, Court Services, Information Technology, and Facilities Management. There are an estimated 220-plus total full-time equivalent (FTE) staff positions associated with these divisions of the Court's administrative structure.

**Law-Related Education (GRF line item 005406)**

This line item is earmarked for distribution 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.<sup>3</sup> The budget appropriates \$166,172 for FY 2018 and FY 2019, an amount that is equal to FY 2017 expenditures.

**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, 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. The budget appropriates \$3,350,000 in FY 2018 and FY 2019, an amount that is \$28,584, or 0.9%, less than FY 2017 expenditures of \$3,378,584. Approximately 85%, or \$2.7 million, of each year's appropriation is expected to be allocated for subsidies; the remainder for operating expenses, primarily personal services (wages and salaries, fringe benefits, and payroll checkoff charges).

**Attorney Services (DPF line item 005605)**

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. It is supported by money appropriated from the Attorney Services Fund (Fund 4C80), which consists of attorney registration and continuing legal education fees.

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<sup>2</sup> Also organizationally connected to the Administrative Division are the Ohio Criminal Sentencing Commission, the Board of Professional Conduct, the Office of Disciplinary Counsel, and the Lawyers' Fund for Client Protection.

<sup>3</sup> 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.

For FY 2018, the budget appropriates \$8,166,646, an increase of \$410,588, or 5.3%, from FY 2017 expenditures totaling \$7,756,058. For FY 2019, the budget appropriates \$8,122,279, a decrease of \$44,367, or 0.5%, from the FY 2018 appropriation.

In each year, close to 50%, or \$3.9 million, of the appropriation is expected to be allocated for personal services (wages and salaries, fringe benefits, and payroll checkoff charges), and secondarily for purchased personal services (close to 30%, or \$2.3 million). The remainder is expected to be allocated for subsidies (\$1.1 million), and supplies and maintenance (close to \$800,000). The available funding is expected to support the equivalent of 42 full-time staff.

**Temporary law.** A related ongoing temporary law provision: (1) increases the line item's appropriation if deemed necessary by the Administrative Director of the Supreme 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 be credited to the fund.

#### **Court Interpreter Certification (DPF line item 005617)**

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.

For FY 2018, the budget appropriates \$8,670, a decrease of \$32,015, or 78.7%, from FY 2017 expenditures totaling \$40,685. This change is based on the number of individuals expected to be certified as interpreters. For FY 2019, the budget appropriates \$9,537, an increase of \$867, or 10%, from the FY 2018 appropriation. In each year, the appropriation is expected to be wholly allocated 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 (DPF line item 005626)**

This line item, with an appropriation of \$350,000 in each of FYs 2018 and 2019, 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 biennial attorney registration process. The grant program was put into place during the first half of FY 2017, with the first awards expected to be announced in the fall of 2017.

**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 (DPF line item 005609)**

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). For FY 2018 and FY 2019, the budget appropriates \$6,000, a decrease of \$37,723, or 86.3%, from FY 2017 expenditures totaling \$43,723. The Court anticipates using this appropriation to disburse a juvenile detention officers training grant. No other project grants or awards are anticipated.

**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 be credited to the state's GRF.

#### **Judiciary/Supreme Court Education (DPF line item 005601)**

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.

The budget appropriates \$100,000 in each of FY 2018 and FY 2019, an amount that is \$74,380, or 42.7%, less than FY 2017 expenditures of \$174,380. This change is based on Fund 6720's anticipated cash flow activity (revenues and expenditures). These appropriated funds will be allocated for supplies and maintenance.

**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 be credited to the fund.

**Supreme Court Admissions (DPF line item 005606)**

This line item is used primarily for operating expenses incurred by the Court's Office of Bar Admissions, which oversees admission to the practice of law and supports the Board of Commissioners on Character and Fitness and the Board of Bar Examiners. It is supported by money appropriated from the Supreme Court Admissions Fund (Fund 6A80), which consists of various fees collected for the practice of law in Ohio.

For FY 2018, the budget appropriates \$1,457,461, an increase of \$206,532, or 16.5%, from FY 2017 expenditures totaling \$1,250,929. For FY 2019, the budget appropriates \$1,477,098, an increase of \$19,637, or 1.4%, from the FY 2018 appropriation. In each year, around 50%, or close to \$750,000, of the appropriation is expected to be allocated for personal services (wages and salaries, fringe benefits, and payroll checkoff charges); the remainder largely for purchased personal services, and supplies and maintenance. The available funding is expected to support the equivalent of eight full-time staff.

**Temporary law.** A related, ongoing temporary law provision: (1) increases the line item's appropriation as 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 6A80 to any other fund, and (3) requires any interest earned on the fund's money be credited to the fund.

**County Law Library Resources Boards (FID line item 005620)**

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.

For these purposes, the budget appropriates \$357,500 in each of FY 2018 and FY 2019, an increase of \$250,035, or 232.7%, from FY 2017 expenditures of \$107,465. In each year, over 50% of the appropriation is expected to be allocated for equipment, and secondarily, in order of magnitude, for subsidies, purchased personal services, and 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 be credited to the fund.

### **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 and the Ohio Department of Public Safety's Division of Criminal Justice Services.

For FY 2018, the budget appropriates \$1,705,708, an increase of \$400,082 or 30.6%, from FY 2017 expenditures totaling \$1,305,626. For FY 2019, the budget appropriates \$1,528,315, a decrease of \$177,393, or 10.4%, from the FY 2018 appropriation. In each year, the appropriation will be allocated, in order of magnitude, more or less as follows: purchased personal services, payroll-related expenses, subsidies, and supplies and maintenance.

The majority of the grants appropriated to this line item are for the purpose of:

- Enhancing the safety, well-being, and stability of children and families.
- Improving Ohio's response to the Child and Family Services Review.<sup>4</sup>
- Providing ongoing support of local collaborative planning initiatives and court improvement projects.

**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 be credited or transferred to the state's GRF.

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<sup>4</sup> This review is 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.

# FY 2018 - FY 2019 Final Appropriation Amounts

# All Fund Groups

## Line Item Detail by Agency

			FY 2016	FY 2017	Appropriation FY 2018	FY 2017 to FY 2018 % Change	Appropriation FY 2019	FY 2018 to FY 2019 % 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	\$ 142,937,199	\$ 148,854,153	\$ 161,228,513	8.31%	\$ 169,614,282	5.20%
GRF	005406	Law-Related Education	\$ 166,172	\$ 166,172	\$ 166,172	0.00%	\$ 166,172	0.00%
GRF	005409	Ohio Courts Technology Initiative	\$ 2,944,401	\$ 3,378,584	\$ 3,350,000	-0.85%	\$ 3,350,000	0.00%
<b>General Revenue Fund Total</b>			<b>\$ 146,047,771</b>	<b>\$ 152,398,909</b>	<b>\$ 164,744,685</b>	<b>8.10%</b>	<b>\$ 173,130,454</b>	<b>5.09%</b>
4C80	005605	Attorney Services	\$ 7,299,960	\$ 7,756,058	\$ 8,166,646	5.29%	\$ 8,122,279	-0.54%
5HT0	005617	Court Interpreter Certification	\$ 1,705	\$ 40,685	\$ 8,670	-78.69%	\$ 9,537	10.00%
5SP0	005626	Civil Justice Grant Program	\$0	\$0	\$ 350,000	N/A	\$ 350,000	0.00%
5T80	005609	Grants and Awards	\$ 50,195	\$ 43,723	\$ 6,000	-86.28%	\$ 6,000	0.00%
6720	005601	Judiciary/Supreme Court Education	\$ 3,125	\$ 174,380	\$ 100,000	-42.65%	\$ 100,000	0.00%
6A80	005606	Supreme Court Admissions	\$ 1,335,877	\$ 1,250,929	\$ 1,457,461	16.51%	\$ 1,477,098	1.35%
<b>Dedicated Purpose Fund Group Total</b>			<b>\$ 8,690,862</b>	<b>\$ 9,265,775</b>	<b>\$ 10,088,777</b>	<b>8.88%</b>	<b>\$ 10,064,914</b>	<b>-0.24%</b>
5JY0	005620	County Law Library Resources Boards	\$ 186,696	\$ 107,465	\$ 357,500	232.67%	\$ 357,500	0.00%
<b>Fiduciary Fund Group Total</b>			<b>\$ 186,696</b>	<b>\$ 107,465</b>	<b>\$ 357,500</b>	<b>232.67%</b>	<b>\$ 357,500</b>	<b>0.00%</b>
3J00	005603	Federal Grants	\$ 1,207,788	\$ 1,305,626	\$ 1,705,708	30.64%	\$ 1,528,315	-10.40%
<b>Federal Fund Group Total</b>			<b>\$ 1,207,788</b>	<b>\$ 1,305,626</b>	<b>\$ 1,705,708</b>	<b>30.64%</b>	<b>\$ 1,528,315</b>	<b>-10.40%</b>
<b>Judiciary/Supreme Court Total</b>			<b>\$ 156,133,118</b>	<b>\$ 163,077,774</b>	<b>\$ 176,896,670</b>	<b>8.47%</b>	<b>\$ 185,081,183</b>	<b>4.63%</b>