

Redbook

LBO Analysis of Executive Budget Proposal

Judiciary/Supreme Court

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Attachment:

Appropriation Spreadsheet

LBO Redbook

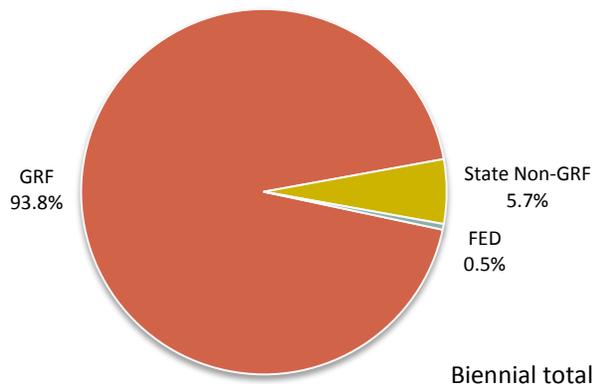
Judiciary/Supreme Court

Quick look...

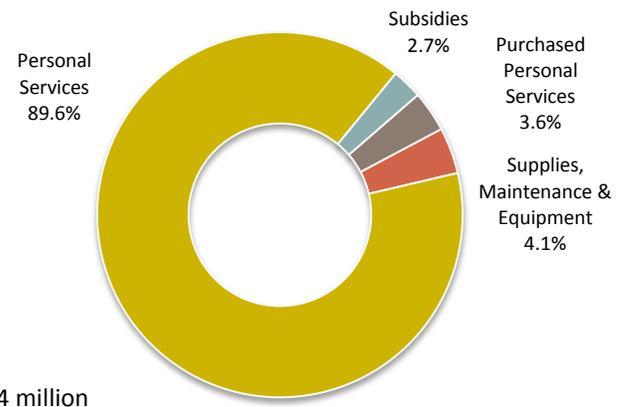
- The Judiciary/Supreme Court pays the salaries or partial salaries for seven justices, over 700 judges, and over 550 staff members, plus supplements to the 88 clerks of the courts of common pleas.
- Total budget recommendations: \$197.6 million in FY 2020 and \$198.4 million in FY 2021.
 - Sources of the budget: GRF (93.6%), state non-GRF (5.8%), and federal grants (0.6%).
 - Approximately 90% of the Court’s budget is for personal services.

Fund Group	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
General Revenue (GRF)	\$159,405,697	\$173,182,592	\$187,899,715	\$191,269,380
Dedicated Purpose (DPF)	\$9,757,835	\$11,071,225	\$11,327,541	\$11,076,891
Federal (FED)	\$881,718	\$1,745,471	\$1,118,471	\$1,073,190
Fiduciary (FID)	\$286,279	\$357,500	\$303,500	\$313,500
Total	\$170,331,529	\$186,356,788	\$200,649,227	\$203,732,961
% change	--	9.4%	7.7%	1.5%
<i>GRF % change</i>	--	8.6%	8.5%	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.

Summary of proposed budget

The proposed 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 recommended 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 recommended appropriations by object of expense. Approximately 90% of the total biennial appropriation recommendation, or \$362.2 million, is 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), and equipment (1.3%, or \$5.1 million). The remaining 0.01%, or \$24,700, is allocated to transfers and nonexpense.

Pay increases

S.B. 296 of the 132nd General Assembly established a ten-year schedule of salary increases for statewide elected officials, members of the General Assembly, judges, and the majority of local elected officials beginning in CY 2019 generally and in CY 2020 for judges.¹ The proposed budget includes GRF appropriations which are higher than the original Court budget request to address the increases described below as agency budget requests were submitted to the Office of Budget and Management prior to the passage of S.B. 296.

Judges

S.B. 296 increased the annual salaries of the Ohio Supreme Court justices and judges of the courts of appeals, courts of common pleas, municipal courts, and county courts by 1.75% over the preceding calendar year through CY 2028. The state will pay for all of the increases, as the local shares of judicial salaries will be held at their current levels. The year-to-year increases

¹ H.B. 64 of the 131st General Assembly included pay increases for judges through CY 2019.

in state expenditures are estimated as follows: \$2.0 million in each of CY 2020-CY 2022, \$2.1 million in each of CY 2023-CY 2025, and \$2.2 million in each of CY 2026-CY 2028.

Common pleas clerks

The state pays one-eighth of the county-paid compensation for common pleas court clerks also serving as the clerk of the court of appeals. In CY 2019, the state will incur additional GRF expenses of \$12,700 for these supplements, and an added cost of \$21,500 for these supplements in CY 2020 as a result of 5% year-to-year salary increases. Between CY 2021 and CY 2028, the annual increases will run between \$5,300 and \$6,000 as the year-to-year salary increase reduces to 1.75%. The Supreme Court of Ohio pays for the clerk of courts supplement through GRF line item 005321, Operating Expenses – Judiciary/Supreme Court.

Analysis of FY 2020-FY 2021 budget proposal

R.C. 107.03(B) states that “no alterations shall be made in the [budget] requests for the legislative and judicial branches of the state filed with the director of budget and management” Therefore, the Governor has made no alterations to the budget request submitted by the Supreme Court of Ohio.

Operating Expenses – Judiciary/Supreme Court (ALI 005321)

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
GRF ALI 005321, Operating Expenses – Judiciary/Supreme Court					
\$142,937,200	\$148,854,153	\$155,966,578	\$169,614,282	\$181,708,720	\$185,018,785
% change	4.1%	4.8%	8.8%	7.1%	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 714 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 the table below, followed by a brief description of each component.

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
Total	\$181,708,720	\$185,018,785

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 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 Council (ALI 005401)

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
GRF ALI 005401, State Criminal Sentencing Council					
\$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 118th General Assembly. The Commission reviews sentencing statutes and sentencing patterns and makes recommendations on statutory changes to the General Assembly. Currently, these costs are paid from the Court's GRF line item 005321, Operating Expenses – Judiciary/Supreme Court.

In FY 2020, the proposed budget allocates 80.2%, or \$481,470, 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, the proposed budget allocates 76.7%, or \$471,470, 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 Estimate	FY 2020 Introduced	FY 2021 Introduced
GRF ALI 005406, Law-Related Education					
\$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 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. 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 Estimate	FY 2020 Introduced	FY 2021 Introduced
GRF ALI 005409, Ohio Courts Technology Initiative					
\$2,944,400	\$3,378,583	\$3,272,947	\$3,402,138	\$5,391,025	\$5,435,625
% change	14.7%	-3.1%	3.9%	58.5%	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, the proposed budget allocates about 53%, or \$2.9 million, 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 Estimate	FY 2020 Introduced	FY 2021 Introduced
DPF Fund 4C80 ALI 005605, Attorney Services					
\$7,299,961	\$7,756,059	\$8,227,676	\$9,040,033	\$10,805,858	\$10,553,340
% change	6.2%	6.1%	9.9%	19.5%	-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 available funding is expected to support the equivalent of 53 full-time staff.

The proposed 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.

In each fiscal year, the proposed budget allocates about 53%, or \$5.7 million, 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 be credited to the fund.

Court Interpreter Certification (ALI 005617)

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
DPF Fund 5HT0 ALI 005617, Court Interpreter Certification					
\$1,705	\$40,685	\$21,387	\$9,537	\$12,459	\$14,327
% change	2,286.2%	-47.4%	-55.4%	30.6%	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. The proposed budget allocates 100% of each fiscal year's appropriation 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 be credited to the fund.

Civil Justice Grant Program (ALI 005626)

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
DPF Fund 5SP0 ALI 005626, Civil Justice Grant Program					
\$0	\$0	\$12,337	\$350,000	\$350,000	\$350,000
% change	--	--	2,737.0%	0.0%	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. The proposed budget allocates 100% of each fiscal year's appropriation 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 be credited to the fund.

Grants and Awards (ALI 005609)

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
DPF Fund 5T80 ALI 005609, Grants and Awards					
\$50,194	\$43,723	\$590	\$8,396	\$8,224	\$8,224
% change	-12.9%	-98.6%	1,322.4%	-2.0%	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, the proposed budget allocates 60.8%, or \$5,000, 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 be credited to the state's GRF.

Judiciary/Supreme Court Education (ALI 005601)

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
DPF Fund 6720 ALI 005601, Judiciary/Supreme Court Education					
\$3,125	\$174,380	\$208,346	\$153,000	\$151,000	\$151,000
% change	5,480.2%	19.5%	-26.6%	-1.3%	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, the proposed budget allocates 79%, or \$120,000, 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 be credited to the fund.

County Law Library Resources Boards (ALI 005620)

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
FID Fund 5JY0 ALI 005620, County Law Library Resources Boards					
\$186,697	\$107,465	\$286,279	\$357,500	\$303,500	\$313,500
% change	-42.4%	166.4%	24.9%	-15.1%	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, the proposed budget allocates 65.9%, or \$200,000, 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, the proposed budget allocates 63.8%, or \$200,000, 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 be credited to the fund.

Federal Grants (ALI 005603)

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
FED Fund 3J00 ALI 005603, Federal Grants					
\$1,207,788	\$1,305,625	\$881,718	\$1,745,471	\$1,118,471	\$1,073,190
% change	8.1%	-32.5%	98.0%	-35.9%	-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 and the Ohio Department of Public Safety's Office of Criminal Justice Services.

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, 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;
- Providing ongoing support of local collaborative planning initiatives and court improvement projects, a Regional Joint Opioid Initiative three-year grant which ends in September 2019.

In FY 2020, the proposed budget allocates 67.2%, or \$751,175, for subsidies, 24.6%, or \$275,296, for supplies and maintenance, and 8.2%, or \$92,000, for purchased personal services.

In FY 2021, the proposed budget allocates 66.5%, or \$714,174, 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 be transferred or credited to the state's GRF.

JSC/zg

FY 2020 - FY 2021 Appropriations - As Introduced

All Fund Groups

Line Item Detail by Agency			Estimate	Introduced	FY 2019 to FY 2020	Introduced	FY 2020 to FY 2021	
			FY 2018	FY 2019	FY 2020	% Change	FY 2021	% Change
Report For: Main Operating Appropriations Bill			Version: As Introduced					
JSC	Judiciary/Supreme Court							
GRF	005321	Operating Expenses - Judiciary/Supreme Court	\$ 155,966,577	\$ 169,614,282	\$ 181,708,720	7.13%	\$ 185,018,785	1.82%
GRF	005401	State Criminal Sentencing Council	\$ 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	\$ 3,402,138	\$ 5,391,025	58.46%	\$ 5,435,625	0.83%
General Revenue Fund Total			\$ 159,405,697	\$ 173,182,592	\$ 187,899,715	8.50%	\$ 191,269,380	1.79%
4C80	005605	Attorney Services	\$ 8,227,676	\$ 9,040,033	\$ 10,805,858	19.53%	\$ 10,553,340	-2.34%
5HT0	005617	Court Interpreter Certification	\$ 21,387	\$ 9,537	\$ 12,459	30.64%	\$ 14,327	14.99%
5SP0	005626	Civil Justice Grant Program	\$ 12,337	\$ 350,000	\$ 350,000	0.00%	\$ 350,000	0.00%
5T80	005609	Grants and Awards	\$ 590	\$ 8,396	\$ 8,224	-2.05%	\$ 8,224	0.00%
6720	005601	Judiciary/Supreme Court Education	\$ 208,346	\$ 153,000	\$ 151,000	-1.31%	\$ 151,000	0.00%
6A80	005606	Supreme Court Admissions	\$ 1,287,499	\$ 1,510,259	\$ 0	-100.00%	\$ 0	N/A
Dedicated Purpose Fund Group Total			\$ 9,757,836	\$ 11,071,225	\$ 11,327,541	2.32%	\$ 11,076,891	-2.21%
5JY0	005620	County Law Library Resources Boards	\$ 286,279	\$ 357,500	\$ 303,500	-15.10%	\$ 313,500	3.29%
Fiduciary Fund Group Total			\$ 286,279	\$ 357,500	\$ 303,500	-15.10%	\$ 313,500	3.29%
3J00	005603	Federal Grants	\$ 881,717	\$ 1,745,471	\$ 1,118,471	-35.92%	\$ 1,073,190	-4.05%
Federal Fund Group Total			\$ 881,717	\$ 1,745,471	\$ 1,118,471	-35.92%	\$ 1,073,190	-4.05%
Judiciary/Supreme Court Total			\$ 170,331,529	\$ 186,356,788	\$ 200,649,227	7.67%	\$ 203,732,961	1.54%