

The Supreme Court of Ohio

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September 22, 2020

The Honorable John Eklund
Chair, Senate Judiciary Committee
Ohio Senate
1 Capitol Square
Columbus, OH 43215

Dear Chairman Eklund, Vice Chair Manning, and Ranking Member Thomas:

Thank you for the opportunity to comment on Senate Bill 312. The Supreme Court of Ohio is committed to helping local courts administer justice in an effective and efficient manner. Senate Bill 312 helps accomplish that goal.

By allowing the Common Pleas Court of Hardin County to restructure as the bill proposes, it will be able to balance its caseload in such a way as to better serve the citizens of Hardin County. It will also allocate to one division of the Court all domestic relations and juvenile matters, allowing it to focus in on the unique issues that face Ohio's families. We appreciate the hard work that Judge Christopher and Judge Barrett do for their constituents, and we appreciate this Committee's willingness to help them in that work.

The Court also appreciates the committee's consideration of an amendment to Senate Bill 312 that will assist our work in providing assigned judges to municipal and county courts across the state. Ohio law allows the Chief Justice to temporarily assign judges – both retired and active – to serve in municipal and county courts. These assigned judges are needed to handle cases when conflicts arise or when a judge may be unavailable. The amendment before you would not change how much those judges are paid or how much payment a local government is responsible for. The amendment only changes how the payment actually occurs.

In the most recent budget bill, these statutes were amended so that these assigned judges were paid by the Supreme Court, and the local municipalities later reimbursed the Court for their portion of the payment. Prior to the budget bill, this order was reversed:

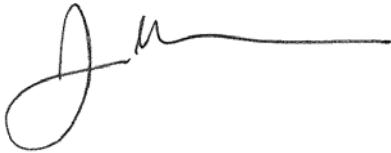
Assigned judges were paid by the municipality and the Supreme Court reimbursed them for the state's share.

This change created an unforeseen problem in regards to the active judges. The Supreme Court and the Department of Administrative Services did not have a proper infrastructure to make these additional payments to the active judges, as their regular salary is set by statute and altering their existing paycheck creates confusion and opportunity for error. A special infrastructure *does* exist for the retired assigned judges, however, and the budget bill actually simplified their payment.

To correct this problem, the amendment before you would make it so retired assigned judges receive their payment from the Supreme Court and active assigned judges receive their payment from the local municipality. Both the Supreme Court and the local municipalities would then reimburse one another as appropriate.

Thank you again for the opportunity to comment, and I hope this letter is of some assistance. If there is any other information I can provide, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jess Mosser', with a long horizontal line extending to the right.

Jess Mosser, Esq.
Legislative Counsel