



Ohio Judicial Conference

The Voice of Ohio Judges

House Civil Justice Committee

Paul E. Pfeifer

Interested Party Testimony on House Bill 305

November 14, 2023

Chair Hillyer, Vice Chair Mathews, Ranking Member Galonski and members of the House Civil Justice Committee, I thank you for this opportunity to submit interested party testimony for House Bill 305 on behalf of the Ohio Judicial Conference. I am Paul Pfeifer, Executive Director of the Ohio Judicial Conference. I would like to submit the judges' initial concerns and recommendations for the as-introduced version of the bill.

As a threshold matter, courts support computerization efforts and embrace appropriate technology. Numerous courts have updated their case management systems and created remote court hearing options since 2020. Some of these upgrades were funded by the Supreme Court of Ohio's court technology grant program or with support of the courts' county commissioners or city government. We support the full funding of the courts, including technology.

Unfunded Mandate & Fee Parity

H.B. 305's e-filing requirement is an unfunded mandate on the courts. The bill does allow the county and municipal court clerks of court to increase the amount of their computerization fees, but makes no changes to the courts' own computerization fees to offset the additional costs.

The bill will require domestic relations courts to accept electronic filings but does not increase the domestic relation court computerization fees in R.C. 2301.031. This will negatively impact stand-alone domestic relations courts that will be required to accept electronic filing without a corresponding increase in computerization fees. We suggest increasing all of the computerization fees to reach parity with the current fees of the common pleas, general division courts. This merely increases the maximum level of fees and does not mandate a higher fee. Courts would then determine whether increasing the fees is appropriate.

Court Authority Over Clerks' Computerization Funds

Under existing law, before a clerk can spend funds collected through its computerization fees, the court must issue an order authorizing that expenditure. The bill removes that authority of the court. This is problematic because for most municipal and county courts, the clerk is an employee of the court. Allowing the clerk to spend funds without the court's authorization runs afoul of the judge's ability to manage his or her staff and office administration and may create employment conflicts. Even elected clerks, although not appointed as employees of the court, are elected to work for the good of the court and should make funding decisions in conjunction with the judge.

Transition Period

Courts that have recently transitioned to e-filing systems reported that the process exceeds a year. The bill provides a 270-day extension beyond the effective date. Additional time will be needed for courts that have not yet started the transition.

I thank you for the opportunity to submit interested party testimony on H.B. 305. I am available to answer any questions you may have.