

The Supreme Court of Ohio

Budget Testimony on behalf of the Supreme Court of Ohio and the Ohio Judiciary

Ohio Senate Finance Committee

Submitted By:
Stephanie E. Hess, Interim Administrative Director

April 19, 2023

I. INTRODUCTION

Chairman Dolan, Vice Chairman Cirino, Ranking Member Sykes, and members of the committee, I am Stephanie Hess, Interim Administrative Director of the Supreme Court of Ohio. On behalf of Chief Justice Sharon Kennedy, the Justices of the Court, and the judges of Ohio, I want to thank you for the opportunity to testify on behalf of the proposed Fiscal Years 2024-2025 biennium budget for the Supreme Court of Ohio and the Ohio Judiciary.

Recognizing the finite resources and the many requests the General Assembly receives, the Supreme Court maintains a fiscally conservative approach to its role in supporting the judicial process and ensuring an effective judicial system for Ohio's citizens. The judicial branch has a role in the lives of all Ohioans. Each day, judges across our state must make decisions that impact businesses, families, and individual freedoms. For those who come into contact with the court system, the action has a direct and lasting effect on their lives.

The Supreme Court's work is multifaceted. In the home rule tradition of the state of Ohio, our judiciary is non-unified, meaning local courts operate independently of one another. The Supreme Court is not the central administration and management of the courts; rather, it provides valuable services to the local courts. The Court licenses attorneys and regulates the practice of law; provides legal education for attorneys, court staff, and the judiciary; and offers program support to local court staff so that each county's courts can provide high-quality, efficient services at less cost to the taxpayers. Much of the Court's work takes place here in Columbus, in the Thomas J. Moyer Ohio Judicial Center. But there are additional services the staff of the Supreme Court provides to the Ohio judiciary and the local courts that are supported by the budget request before you. This testimony is intended to summarize some of those services as well as provide an outline of the Court's budget submission.

II. SUPREME COURT DECISIONS

Of course, the primary responsibility of the Supreme Court is its case work. In 2022, the Court received 1,653 new cases with a total of over 10,000 filings. That's the equivalent of 41 filings per day, every day the court was open. One-third of those documents were filed by non-attorneys.

Many of these filings are available via the Supreme Court's website. Since May 1, 2002, the website has been the official repository for all decisions and opinions of the Court, appellate courts, and select trial courts. The case database contains more than 132,000 opinions and announcements that are searchable and available to the public free of charge. This is just one way in which the Court demonstrates its commitment to transparency and access to justice.

Another way to achieve transparency and access to justice is through understanding. The Supreme Court has a number of programs intended to educate the public on the judicial branch of

government. One such program, which has been well-received, is the civic education program's off-site Court oral arguments. This program offers Ohioans the opportunity to see the Court in action in their own community. In 2022, off-site Court was held in Washington Courthouse in Fayette County where students from Miami Trace High School, Washington Courthouse High School, and Fayette Christian Academy were able to view oral arguments and ask questions of the justices and presenting attorneys. This year, off-site Court will be heard in Hamilton and Jefferson counties. The Court plans to schedule additional off-site Court locations in 2024.

Supreme Court staff welcomes the public into the Thomas J. Moyer Ohio Judicial Center for additional educational opportunities as well. During 2022, the Court hosted 189 tours of the Judicial Center, guided by our staff and 13 history-loving volunteer guides. A total of 4,872 touring visitors, including school children, adults, and some foreign legal dignitaries, came to explore art, history, and the justice system.

To ensure this opportunity for all school children across the state, the Supreme Court provided 60 transportation grants to schools from 22 Ohio counties in 2022. Continuing our partnership with the Statehouse, we also paired schools with combination Judicial Center and Statehouse tours to enrich their experience and save on transportation costs.

As an additional educational resource, the Judicial Center is also home to the Supreme Court's Law Library, which houses a comprehensive collection of Ohio materials, as well as a collection of United States federal and state session laws, codes, and statutes, administrative agency rules and regulations, and practice books. It also offers research assistance and online database access to Court staff and public patrons. In 2022, the library served more than 3,700 public patrons, answered over 5,600 reference questions, and completed over 30,000 hours of

online research. In the past year, the library added nearly 2,100 physical items and over 12,000 electronic titles.

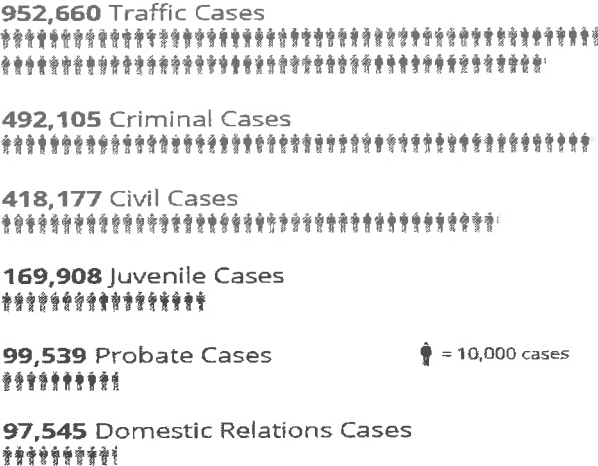
III. SUPPORT OF THE LOCAL JUDICIARY, COURTS, AND COMMUNITIES

Most Ohioans are likely to experience the judiciary through their local courts. The Supreme Court provides a variety of services to local courts and their judges and staff, which help achieve the Court’s mission to support a strong and effective judicial system to serve each and every Ohioan.

In 2022, Ohio’s 381 appellate and trial courts took in over 2.2 million new cases. Prior to the Coronavirus pandemic, case filings were declining each year. But in 2022, Ohio experienced an increase in filings for most case types, over the 2020 filings. There were double-digit increases in foreclosure and eviction cases, as well as probate cases, including guardianships and estates.

With a statewide view, the Supreme Court is in a unique position to monitor caseload data and develop strategies for local courts to address changing caseloads. Court staff will continue to watch caseload trends and assist local courts in meeting the challenges that lie ahead in the upcoming biennium.

Ohio 2.2 Million New Cases



Case Management

To ensure the right to be heard in a timely manner, the Supreme Court – through the Rules of Superintendence for the Courts of Ohio – has developed uniform standards for the disposition of cases. The Court’s Case Management Section collects data, develops tools, and provides education for judges and local court staff so they can meet or exceed those standards. A recent illustration of how this process works comes out of Meigs County Juvenile Court. There, Judge Scott Powell identified areas of delay in resolution of cases and worked with the Court to review caseload data and educate his staff on best practices to resolve those delays. The result: a 30% reduction in caseload overage. This is just one example of many where the Court has helped local courts improve the services they provide to their constituents.

And just last month, Supreme Court staff provided a two-day educational session attended by 61 judges from 37 jurisdictions across Ohio and provided a platform for these judicial officers to share proven practices with one another.

Language Services

The Supreme Court also employs a Language Services Section, which helps local courts with their foreign language and deaf and hard-of-hearing interpretation needs. According to the U.S. Census Bureau, six percent of Ohioans speak a language other than English at home. Ohio’s Opportunities for Ohioans with Disabilities estimates that approximately three percent of Ohioans are deaf or hard-of-hearing. With communication being key to the Constitutional guarantee of access to the courts and the right to defend, this presents a critical need for interpreter services in our courts.

The Language Services Section certifies court interpreters so that local courts - and the public at large - can be assured of clear and accurate translation. In 2022, the Language Services Section administered over 60 interpreter certification exams.

In addition to its certification service, the Supreme Court also funds telephonic interpretation for the local courts through a statewide contract. Spanish language interpretations made up more than half (62%) of the interpretations in 2022. Nepali interpretations were second. A total of 76 unique languages were interpreted through the contract last year. Franklin County courts were the highest user, followed by Cuyahoga, Summit, Butler, Hamilton, and Montgomery counties. Offering the services under one statewide contract helps ensure access and uniformity across the state, and lower cost overall with the bundling of services. Overall, the number and duration of interpretations together increased 39.5% in 2022 over the previous year.

Specialized Dockets

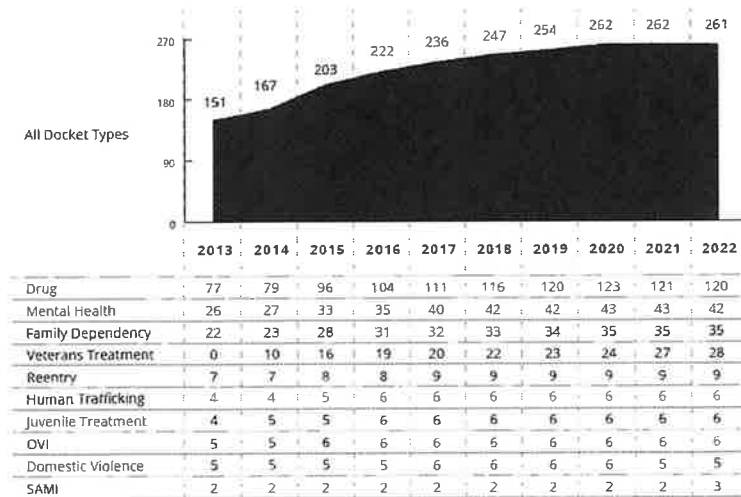
As we all know, drug and alcohol dependency is problematic, not only for those with a substance use disorder, but for the community as a whole. Mental health issues – particularly those that are left untreated – are also a growing concern for our communities. Sadly, several of the problems associated with drug and alcohol dependency and untreated mental health issues find their way to our courts.

Specialized dockets employ evidence-based practices to address these underlying issues. The Supreme Court works with local courts to establish and maintain these dockets, through its specialized dockets certification program. The goal is to help individuals achieve recovery instead of filling prisons, ultimately reducing the strain on our judicial and corrections systems.

At present, there are 261 specialized dockets with either initial or final certification in Ohio, which is a significant increase in the number of recognized specialized dockets from when the

certification program began in 2013 (see table below). These dockets are dedicated to specific types of offenses or offenders with dependency or unmanaged mental health issues. Specialized dockets use a combination of holding offenders accountable while also addressing the underlying causes through treatment and evidence-based behavior modification.

Active Certified Dockets as of December 31



One of the several successful specialized dockets is right here in Franklin County, with Judge Sheryl Munson leading the certified RISE Mental Health Court in the Common Pleas Court. The docket meets the needs of individuals suffering from severe mental health intersecting justice at the felony level. Judge Munson and her team are aligned with all the roles identified by best practices and incorporate an optimal balance of accountability while ensuring effective levels of treatment to increase the likelihood for each participant’s success. Again, this is just one example of many that exist around our state and that are supported by the Supreme Court’s certification program.

Guardians

The Supreme Court takes pride in establishing standards and providing education to local courts regarding their important work in appointing guardians. Guardians help protect some of our most vulnerable citizens, including children, adults with disabilities, and the elderly. The Court's Advisory Committee on Children, Families, and the Courts assists the Court in setting standards for guardians; the Court's Court Services Division ensures local courts have the education and tools to implement guardianships when needed; and the Court's Ohio Judicial College provides valuable education for guardians.

In 2022, Fayette County Probate Court alone used video and materials from the Judicial College to offer 12 live courses to its guardians. Statewide, 6,878 guardians of adults received training through Judicial College programs, with the average guardian taking two courses per year. In the same time period, the College provided education for 1,301 guardians ad litem, who work with children.

This is just one of the hundreds of opportunities the Judicial College provides in education for judges, magistrates, court staff, and those affiliated with our judicial system, like guardians.

Judicial Education and Services

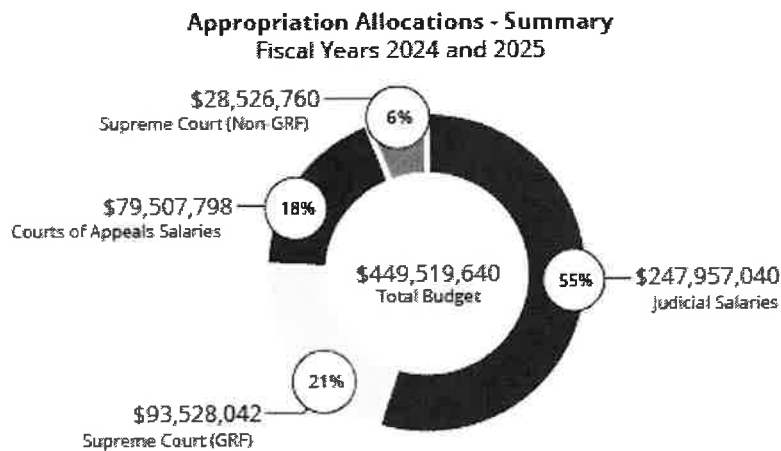
From the time a judge is first elected or appointed, the Judicial College provides classes to make an effective transition from the bar to the bench. In 2022, 96 judges and 88 magistrates received new judicial officer orientation through the College. Education on proven practices and enhancing judicial standards increases the level of professionalism in the judiciary and the level of service to Ohioans. To that end, the College maintains a robust catalog of courses available to judges, magistrates, and court staff, which provide instruction regarding emerging changes in the law and new and proven practices. In 2022, the Judicial College offered 344 courses, which is a

36% increase in course offerings over the previous biennium. Through those courses, the College served 19,964 individuals, who attended an average of three courses each.

IV. BUDGET

The Supreme Court’s budget is a small portion of the overall state budget, only 0.22% in the upcoming biennium. The Court has submitted a total budget request of \$449,519,640. The 2024-2025 biennium budget breaks down as follows:

- 55% or \$247,957,040 for statutorily mandated salaries (justices and judges);
- 18% or \$79,507,798 covers the salaries of employees of the courts of appeals; and
- 27% or \$122,054,802 includes the costs of the Supreme Court divided between General Revenue Funds and other funds such as grants.

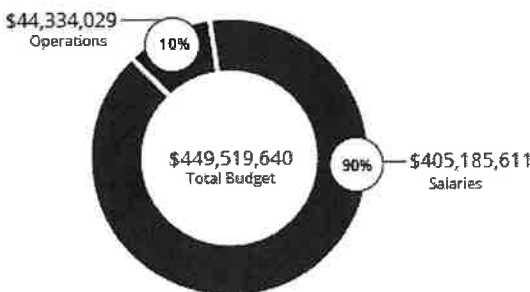


Included in the operational expenses are the costs of maintaining and running the Thomas J. Moyer Ohio Judicial Center and the costs of maintaining the Supreme Court’s Ohio Courts Network, which is a statewide repository for caseload data. The operational expenses also include monies that are passed on to local courts and other non-profit justice system partners through technology grants and civil justice grants. Lastly, the operational expenses also include federal

and other grants, such as the federal Court Improvement Program (CIP), all of which the Court receives and largely passes through to support local court operations.

Many of the requested increases are mandated by statute or are required to cover the increased cost of employee benefits and other program chargebacks required by the Department of Administrative Services or the Office of Budget and Management. Personnel costs reflect the 1.75% judicial salary increase as required at the end of 2018 through 2028 by Senate Bill 296.

Appropriation Allocations - Salaries and Operations
Fiscal Years 2024 and 2025



Lastly, the Ohio Criminal Sentencing Commission is an independent entity, legislatively established within the Supreme Court and as such, its budget is included as a line item in the Court's budget. Sara Andrews, Executive Director of the Sentencing Commission, will make a separate presentation regarding the Sentencing Commission's budget request.

V. CONCLUSION

On behalf of Chief Justice Kennedy, the Justices of the Supreme Court, and the judges of the State of Ohio, thank you for the opportunity to provide a more detailed outline and vision for the Court's biennial budget. Your support of the Supreme Court and the Ohio Judiciary budget for fiscal years 2024-2025 will enable the Court to maintain a high level of service to all Ohioans. Thank you.