



The Voice of Ohio Judges

HOUSE FINANCE COMMITTEE

April 16, 2015

TESTIMONY ON HOUSE BILL 64
FY 2016 & 2017 BUDGET

OHIO JUDICIAL CONFERENCE

Chairman Smith and Members of the House Finance Committee:

I am Mark R. Schweikert, Executive Director of the Ohio Judicial Conference. Before I joined the Judicial Conference, I served on the Court of Common Pleas and the Municipal Court of Hamilton County. I have worked in court or judicial capacities for over 40 years. Also present is our Fiscal Officer Jayma Umbstaetter.

On behalf of the judges of Ohio I thank you for this opportunity to speak to you today about the Ohio Judicial Conference, its activities, and its budgetary needs.

The Ohio Judicial Conference has served as an integral and separate agency within the judicial branch of government for more than 50 years. By statute, all 722 Ohio judges are members of the Judicial Conference. The majority are local trial court judges. Our statutory purpose is to:

- *Continually study the co-ordination of the work of the several courts of Ohio;*
- *Encourage uniformity in the application of the law, rules, and practice throughout the state and within each division of the courts as an integral part of the judicial system of the state;*
- *Promote an exchange of experience and suggestions respecting the operation of the judicial system;*
- *Consider the business and problems pertaining to the administration of justice and to make recommendations for its improvement; and*
- *Prepare judicial impact statements for the Ohio General Assembly*

Ohio has one of the most active court systems in the nation. Ohio's judges are making decisions daily that affect the most important aspects of our lives and our businesses. They are researching, learning, and adjusting their work in order to meet the changing needs of our state. The Ohio Judicial Conference is where Ohio judges come together to exchange ideas, discuss issues affecting courts and judges, and make recommendations for the improvement of the administration of justice. It is also where our small staff of 10 dedicated professionals, provide a wide array of essential services and information to judges, the General Assembly, various Executive Branch offices, professional associations and the public.

The work of the Judicial Conference is accomplished by our 23 standing committees involving hundreds of Ohio judges. The Executive Committee, which sets Judicial Conference policy, is comprised of approximately 50 judges, including our elected Officers, the chairs and co-chairs of our standing committees, the Chief Justice and the Administrative Director of the Supreme Court, and the leaders of the six judicial associations. Currently, Judge John Durkin of the Mahoning County Court of Common Pleas serves as the Chair of the Conference.

The Judicial Conference works with the General Assembly, the Supreme Court of Ohio, the Governor's office, the Ohio State Bar Association, the Department of Rehabilitation and Corrections, the Attorney General, and

other executive branch agencies and private organizations on current issues regarding the administration of justice. We sponsor, in cooperation with such agencies, programs and collaborative events to deal with current issues of mutual importance. In coordination with the Ohio Judicial College we assist judicial associations and others with varying levels of support for over 25 professional events per budget cycle.

We appreciate the fact that so many legislators see the Judicial Conference as a resource. During FY2014-15, to date, we have prepared 17 judicial impact statements, 37 legislative letters, and judges have testified at least 24 times before legislative committees and attended numerous interested parties meetings. During the same period, staff also prepared and distributed to judges 25 Enactment News articles providing impact and practical implementation advice. We believe that our ability to quickly provide you with good information about Ohio's justice system and judicial impact statements benefits us both.

Our Budget

Our budget was flat for 4 years prior to 2008. At the request of the Chief Justice and the Governor we reduced spending, returning 7.1% in 2008 and 4.9% in 2009. In the 2010/2011 biennium, our budget was reduced by 24%. In the 2012-2013 biennium we again reduced our GRF request by another 10%. We made these adjustments by leaving one position unfilled and replacing staff through attrition at lower salaries. In addition to personnel management we increased reliance on General Services funds during the recession years for both personnel and non- personnel expenses. In the executive budget we requested to restore GRF funding for all payroll expenses. The temporary use of those General Services funds for payroll expenses cannot be sustained over the long term. This would allow those funds to be available to advance the performance of the Conference mission as intended.

Our FY 2016-2017 budget request reflected a small increase of \$19,500 per year in GRF in order to fund a merit pay increase for staff. We utilize the market pay ranges maintained by the Supreme Court for their employees and our adjustments are reflective of theirs.

As I said, the Conference generates some revenue through conference fees, dues, and royalties, deposited into the General Services Fund, which we use to fund many of the activities of the Conference, particularly the expenses of our committees, meetings, publications and website. In addition to general inflation these expenditures have grown due to the increase in travel reimbursement, increased contractual services related to Ohio Jury Instructions, event costs and the temporary supplement for personnel costs during the recession. We requested a flat appropriation to the General Services Fund for both 2016 and 2017 reduced by the transition of all personnel expenses back to GRF.

It is important to point out that our budget includes funding for the State Council on Uniform State Laws which was eliminated in FY2010-2011 and restored in FY2012-2013 by the General Assembly. Currently, this funding amounts to \$85,000 and is the equivalent of 10% of our GRF funding and increases each year beyond our control. While we are willing to manage this amount it has no relation to the operations of our agency.

With the increase in General Revenue funding and a reduction to the General Services fund we requested a 4.2% increase in funding in FY2016 and a 2.9% increase in FY2017 for this biennium.

The Substitute bill eliminated the increased request for GRF and left the General Services Fund at the reduced amount. This was a complete surprise and we are unsure of the message you intend. We request that you restore the executive recommendation. If not then we would request that we reach some accord to transition those diverted expenses back to GRF over the next biennium or at least allow us the increased funding for payroll adjustments and inflationary costs, and restore the General Revenue fund so we can again manage these expenses through that resource for now. I have included with my testimony a spread sheet outlining a revised request.

Thank you very much for allowing me to speak today. I will be glad to answer any questions you might have.

Respectfully Submitted:

Retired Judge Mark R. Schweikert, Executive Director

Appropriation Amounts – Comparison of Executive to House

Request# 1

Line Item Detail by Agency												
JCO	Judicial Conference of Ohio	FY 2014	Est. FY 2015	Introduced FY2016	House FY 2016	Intro. To House		Introduced FY 2017	House FY 2017	Intro. to House		
						\$ Change	% Change			\$ Change	% Change	
GRF	018321	Operating Expense	\$824,415	\$847,200	\$999,000	\$847,200	(\$151,800)	-15.20%	\$1,038,000	\$847,200	(\$190,800)	-18.38%
Sub-Total General Revenue Fund			\$824,415	\$847,200	\$999,000	\$847,200	(\$151,800)	-15.20%	\$1,038,000	\$847,200	(\$190,800)	-18.38%
4030	018601	Ohio Jury Instructions	\$434,472	\$435,000	\$337,000	\$337,000	\$0	0.00%	\$337,000	\$337,000	\$0	0.00%
Sub-Total Dedicated Purpose Fund Group			\$434,472	\$435,000	\$337,000	\$337,000	\$0	0.00%	\$337,000	\$337,000	\$0	0.00%
Judicial Conference of Ohio Total			\$1,258,887	\$1,282,200	\$1,336,000	\$1,184,200	(\$151,800)	-11.36%	\$1,375,000	\$1,184,200	(\$190,800)	-13.88%

The Ohio Judicial Conference’s first request is to restore appropriation levels to the amounts included in the Executive version

Appropriation Amounts – Comparison of Executive to House

Request# 2

Line Item Detail by Agency												
JCO Judicial Conference of Ohio	FY 2014	Est. FY 2015	Introduced FY2016	House FY 2016	Revised Approp. Request FY2016	House to Revised		Introduced FY 2017	House FY 2017	Revised Approp. Request FY2017	House to Revised	
						\$ Change	% Change				\$ Change	% Change
GRF 018321 Operating Expense	\$824,415	\$847,200	\$999,000	\$847,200	\$899,500	\$52,300	6.17%	\$1,038,000	\$847,200	\$942,000	\$94,800	11.18%
Sub-Total General Revenue Fund	\$824,415	\$847,200	\$999,000	\$847,200	\$899,500	\$52,300	6.17%	\$1,038,000	\$847,200	\$942,000	\$94,800	11.18%
4030 018601 Ohio Jury Instructions	\$434,472	\$435,000	\$337,000	\$337,000	\$435,000	\$98,000	29.08%	\$337,000	\$337,000	\$435,000	\$98,000	29.08%
Sub-Total Dedicated Purpose Fund Group	\$434,472	\$435,000	\$337,000	\$337,000	\$435,000	\$98,000	29.08%	\$337,000	\$337,000	\$435,000	\$98,000	29.08%
Judicial Conference of Ohio Total	\$1,258,887	\$1,282,200	\$1,336,000	\$1,184,200	\$1,334,500	\$150,300	12.69%	\$1,375,000	\$1,184,200	\$1,377,000	\$192,800	16.28%

The Ohio Judicial Conference’s second request is to restore funding for a 3% COLA for 8 full-time positions (including benefits), 2 full-time positions (COLA and benefits only), and includes increases to maintenance and the NCCUSL dues