

The Supreme Court of Ohio

**Budget Testimony
On Behalf of the Judiciary/Supreme Court**

Before the

**Ohio House of Representatives
Finance Committee**

**In Support of Amending Substitute HB 64 to Reinstate Deleted Language Concerning the
Market Adjustment for Ohio's Judges**

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Supporting Reinstatement of Funds Cut from the Ohio Judicial Conference

Thursday, April 16, 2015

Chairman Smith and Members of the Finance Committee:

I am Michael Buenger, the Administrative Director of the Supreme Court. I come before you on behalf of Chief Justice Maureen O'Connor to urge this Committee to reconsider the decision to remove a long-overdue market adjustment for judges from House Bill 64 and to reconsider cuts to the budget of the Ohio Judicial Conference. Mark Schweikert, executive director of the judicial conference is here to speak in greater detail to those cuts.

Several weeks ago I listened to a budget presentation by DRC Director Gary Mohr. Director Mohr spoke about the need for evidence-based practices in sentencing. He spoke about the need to expand drug treatment and specialized dockets, a need recognized by this committee in the substitute house bill that appropriates almost \$12 million for both of these needs. He spoke of the need for greater leadership and the crucial role of judges in helping to address many of the drivers that contribute to the costs of running the DRC. He spoke of not only

collaborating with judges, but also the innovative and creative ideas they have generated in helping him manage the challenges he faces. And he spoke of how important it is to have capable judges because they decide the matters that directly impact his department. Whether we are dealing with broken families, crime, incarceration rates, drug treatment, or the opiate epidemic; whether we are trying to keep a veteran with PTSD out of the criminal justice system; whether we are seeking the best placement for an abused child; whether we are striving to ensure that everyone from individuals to businesses have fair access to justice, to competent justice; judges often sit at the center of many decisions that ultimately affect the course of peoples' lives and businesses, whether they are in court or not.

Thousands of times a day judges in Ohio are deciding what happens to real people in real time with real problems. They decide who gets custody of a child, whether a person is competent to manage their personal affairs, whether someone will lose their freedom if not their life for a criminal act, whether a business's investment is adequately protected under law. Some statistics tell the story. In 2013, the Ohio trial courts saw over 3.2 million new cases filed or old cases reopened. By comparison, the entire federal judiciary of the United States, the entire federal courts system, received just over 1.4 million cases in that same time frame, or less than ½ of Ohio's total caseload. Of those cases, the bulk of federal case filings were bankruptcy cases. In contrast, each working day Ohio's trial courts receive on average over 2,700 criminal cases, almost 2,000 civil cases, some 760 divorce and parental rights cases, and 340 delinquency or unruly child cases. Judges can be called upon long after the close of business to handle critical matters related to search warrants, to protection orders, to emergency injunctions. While Ohio is the seventh most populous state in the nation, it is also:

- Sixth in the nation in overall total caseload;

- Fifth in the nation in non-traffic caseload;
- Sixth in the nation in domestic relations caseload; and
- Fifth in the nation in criminal caseload.

Moreover, in 2013 the Ohio Supreme Court received over 2,000 cases while the appellate courts received over 9,300 cases. In short, this is a large, busy court system. It is a system that increasingly plays the role of “short-stop”, the point of last resort or, in some cases, the point of first relief, in addressing many of our state’s challenges ranging from the drug abuse epidemic, to crime, to family disintegration, to juvenile delinquency and child abuse. As many business leaders recognize, courts are vital to creating an environment conducive to economic development because businesses rely upon a sound and predictable legal system.

Yet in spite of this, we are 39th in the nation in compensation for the state supreme court, 32nd in the nation for intermediate appellate courts, and 44th in the nation for our general jurisdiction trial courts. On a comparative basis, all surrounding states outrank Ohio, in some or all of the categories of courts, and in many cases by significant amounts. We are well below states with far smaller caseloads such as Wyoming, North Dakota, Nevada, Nebraska, Louisiana, and Hawaii, to name but a few examples. Ohio, in fact, ranks one step below Idaho and one step above Maine in trial court judicial compensation, states having approximately 12 percent and 6 percent of our caseload respectively.

We urge you to reinstate the market adjustment for judges. This adjustment is supported by a wide variety of interests, including a coalition of business organizations including the National Federation of Independent Business Ohio, the Ohio Chamber of Commerce, the Ohio Farm Bureau, the Ohio Manufacturers’ Association, the Ohio Council of Retail Merchants; it is supported by the Ohio State Bar Association, the Ohio Council of County Officials, and the

Columbus Dispatch; it is supported by the Governor; it is supported by many members of the House of Representatives and the Senate, including the President of the Senate. They all understand the need for a quality judiciary. They all understand the important role that judges perform in our society. But, most importantly, to a child sandwiched between warring parents in a difficult divorce, to a defendant facing prison, to a juvenile held in detention, to a family struggling to manage the affairs of aging parents, to a business trying to protect its investment, the question of whether we have the best on the bench is critical because getting it right has real consequences for them.

We urge you to reconsider the decision to remove the market adjustment and reinstate both the language and the funding for the adjustment. There is no question that the time for this adjustment is long overdue; every member of the General Assembly we have talked to recognizes this fact. There is no question that the adjustment is reasonable; it is virtual verbatim what the House passed last session. There is no question that this adjustment can be handled, now, through the budget process as was recommended during the last session. We all have an interest in ensuring that Ohio is served today and in the future by very capable judges.

Thank you.