

The Supreme Court of Ohio

**Budget Testimony
on behalf
of the Judiciary/Supreme Court**

**before the
Ohio Senate
Finance Committee**

Thursday, May 5, 2011

Mr. Chairman and Members of the Committee:

I am Steven C. Hollon, Administrative Director of the Supreme Court. On behalf of Chief Justice Maureen O'Connor, the justices of the Court and the judges of Ohio, I thank you for providing this opportunity to testify in support of this proposed budget for the Judiciary and the Supreme Court. Also here with me today are representatives from the Supreme Court including Ronda Perri, the Court's Director of Fiscal & Management Resources, and Jo Ellen Cline, the Court's Government Relations Counsel.

Background

The Supreme Court has three principal constitutional responsibilities in Ohio government.

First, it serves as the Court of last resort in cases filed in the state, including its duties to review all matters of “public or great general interest” and death penalty cases, and to serve as the final arbiter of the meaning of the Ohio Constitution.

Second, the Supreme Court possesses exclusive authority to regulate the practice of law including the bar admissions process, the discipline of attorneys admitted to the practice (including judges), the attorney registration program, certification of continuing legal education courses, and enforcement of the rules against the unauthorized practice of law.

Third, the Ohio constitution grants the Supreme Court the authority to exercise general superintendence over all Ohio courts, and the authority to prescribe rules of practice and procedure in all courts of the state. The Court exercises this critical responsibility through two bodies appointed by the Court – the Commission on the Rules of Superintendence and the

Commission on the Rules of Practice and Procedure – and through the provision of educational and training programs by the Judicial College, the granting of direct technical assistance to courts by our Judicial and Court Services Division, and the establishment of standards and best practices for courts throughout Ohio by our various boards, commissions, and advisory committees.

Through the exercise of these three major responsibilities, and the fostering of collaborative relationships with its justice system partners, the Supreme Court meets its constitutional responsibility to provide oversight to the judicial branch of Ohio government.

Budget Request

As a co-equal branch of government, the Judicial Branch is cognizant of the great budgetary difficulties facing the state. To that end, Chief Justice O'Connor has requested the Supreme Court to reduce its operational budget by ten percent during the next fiscal biennium to help do its share.

The budget request for the Judiciary/Supreme Court is divided into three major categories – judicial salaries, courts of appeals staff salaries, and the Supreme Court operating budget.

Judicial Salaries

The first category listed on the spreadsheet provided at the end of my prepared testimony concerns the salaries for the 717 judges of Ohio, excluding the Chief Justice and Justices of the Supreme Court. Through the moneys budgeted in this category, the Supreme Court pays 100% of the salaries and benefits for the 69 appellate court judges in the state, 90% of the salaries for the 394 judges of the courts of common pleas (including probate, juvenile and domestic relations judges), and approximately 45% of the salaries for the 254 judges of the municipal and county courts.

There is no salary adjustment for judges budgeted for this biennium. The last cost of living adjustment for judges took place effective January 1, 2008.

The increase of 2.0% from FY 2011 to FY 2012 is accounted for by the increase in the cost of benefits to judges and the extra pay period in the fiscal year. There is a slight decrease in funding budgeted for this category from

FY 2012 to FY 2013. This category accounts for 62.53% of the spending in this line item (005-321).

Courts of Appeals Staff Salaries

The second category listed on the spreadsheet concerns the salaries of the nearly 300 employees of the state's twelve courts of appeals. Pursuant to R.C. 2501.17 the salaries of the employees of the state's courts of appeals are to be paid through the state treasury. (Please note: pursuant to R.C. 2501.181, the regular *operational or non-salary* budgets of these courts are paid through the counties in the respective appellate districts on a calendar year basis.)

These courts are largely autonomous and their budget requests for this category have been treated as "pass-throughs" in previous budget cycles. This portion of the budget request increases 7.2% from FY 2011 to FY 2012, because of the increase in costs of benefits and the extra pay period in this fiscal year. There is a 2.6% decrease in spending in this category from FY 2012 to FY 2013. There are no salary adjustments called for in this category. This category represents 17.32% of the spending in this line item (005-321).

It is also important to note that we have budgeted moneys in this category that are *less than potential obligations* such as to cover for early retirement incentive programs and salary administration plans previously adopted by these courts.

Supreme Court Operating Budget

The third category listed on your spreadsheet concerns the operating budget for the Supreme Court including miscellaneous line items. This category includes the salaries for the staff of the Court, the operation of the Ohio Judicial Center, and the provision of technical assistance programs to courts around the state. It also includes the Ohio Courts Technology Initiative, the Sentencing Commission, and the Ohio Center for Law Related Education. These are the GRF moneys over which the Supreme Court has some budgetary discretion and which we generally consider to be the Court's budget.

Ohio Courts Technology Initiative

The Ohio Courts Technology Initiative was first approved in the FY 2008-2009 biennium. Many Ohio courts do not have the resources for the

purchase and operation of adequate information technology systems that meet minimal standards to work with other Ohio courts and their justice system partners.

The initiative is designed to facilitate (i) the exchange of information and warehousing of data by and between the Supreme Court, other Ohio courts, and other justice system partners, through the creation of an Ohio Courts Network, (ii) the delivery of technology services to courts throughout the state including the provision of hardware and software through direct purchase assistance or a grants program, when possible; (iii) the development of educational programs for judges and court personnel; (iv) the promulgation of statewide rules, policies, and uniform standards to aid in the orderly adoption and comprehensive use of technology in Ohio courts; and (v) the potential future ability to provide hosted case management services.

At this stage, 126 courts are in full production representing nearly half of all cases in the judicial system, and 30 courts are either loading data or testing connectivity. All told, more than 350 courts have executed memoranda of understanding with the Supreme Court to join the Ohio Courts Network. These moneys are needed to continue progress on this important project,

which benefits not only the court but other justice system partners such as the Department of Public Safety, the Department of Rehabilitation and Corrections, and the Office of the Attorney General.

The Court is convinced that this initiative is essential for the courts of the state to meet their core obligations of providing justice and helping ensure public safety for Ohio's citizens.

The request for this initiative under line item 005-409 for FY 2012 is \$2,150,000 and the request for FY 2013 is \$2,150,000.

Ohio Sentencing Commission

The Sentencing Commission is created by R.C. 181.21. The budget request for line item 005-041 reflects flat funding for FY 2012 and FY 2013 from the current funding level of \$206,770 for the commission. The amount is less than requested in FY 2007.

Ohio Center for Law Related Education

The Ohio Center for Law Related Education (OCLRE) is a 501(c)(3) corporation that provides law related educational programs for students K-12

such as the Ohio Mock Trial Program. This program receives funding from the state treasury through the budgets of the Judiciary/Supreme Court and the Office of the Attorney General. The budget request under line item 005-406 reflects flat funding in each of the next two fiscal years at \$236,172 per fiscal year.

The total budget for the Supreme Court category of our budget for FY 2011 is \$30,325,848. In FY 2012 the figure falls to \$27,425,848 (a reduction of 9.6%) and falls again in FY 2013 to \$27,160,848 (a reduction of an additional 1%).

The Supreme Court category accounts for 20.15% of GRF dollars requested in this proposal.

Total Budget Request

The total request for the Judiciary/Supreme Court budget in FY 2012 is \$136,090,792 and in FY 2013 is \$134,951,582. Approximately 93% of these amounts are direct costs for salary and benefits for judges, clerks, and court staff statewide.

Conclusion

As the custodian of the funds appropriated to the Judiciary/Supreme Court budget, the Supreme Court takes its stewardship role very seriously. It has exercised restraint in budget requests and spending during the last several budget cycles and understands the limitations upon the state's budget.

Finally, it is important to note that the state's appropriation of General Revenue Funds as dedicated to the entire judicial branch of Ohio government accounts for approximately one-half of one percent of the proposed biennial budget. Further, the portion of the budget allocated to the Supreme Court operating budget accounts for approximately one-tenth of one percent of the state's proposed biennial budget. These figures have held steady for many years.

JUDICIARY/SUPREME COURT GRF BUDGET REQUEST

FY 2012 - 2013

Category	Line Item	FY 2011 Budget	FY 2012 Request	+/- \$	+/- %	FY 2013 Request	+/- \$	+/- %
1. Judicial Salaries	005-321	\$ 83,447,848	\$ 85,097,794	\$ 1,649,946	2.0%	\$ 84,837,965	\$ (259,829)	-0.3%
2. Courts of Appeals								
Staff Salaries	005-321	21,974,616	23,567,150	1,592,534	7.2%	22,952,769	(614,381)	-2.6%
3. Supreme Court								
Operating Budget	005-321	25,632,906	24,832,906	(800,000)	-3.1%	24,567,906	(265,000)	-1.1%
Ohio Courts Technology Initiative	005-409	4,250,000	2,150,000	(2,100,000)	-49.4%	2,150,000	-	0.0%
Sentencing Commission	005-401	206,770	206,770	-	0.0%	206,770	-	0.0%
OCLRE	005-406	236,172	236,172	-	0.0%	236,172	-	0.0%
Total Supreme Court		30,325,848	27,425,848	(2,900,000)	-9.6%	27,160,848	(265,000)	-1.0%
Total GRF Budget (Items 1 thru 3)		\$ 135,748,312	\$ 136,090,792	\$ 342,480	0.3%	\$ 134,951,582	\$(1,139,210)	-0.8%