



Ohio Judicial Conference

The Voice of Ohio Judges

Judge John M. Durkin

Testimony to the Sunset Review Committee

March 1, 2016

Good afternoon, Chairman Jordan and members of the Sunset Review Committee. My name is Judge John Durkin. I am the current Chair of the Ohio Judicial Conference and a common pleas general division judge in Mahoning County. I'd like to thank you for the opportunity to present testimony today on behalf of the Judicial Conference, an organization that has helped me and countless other judges through the years to better serve the people that we all work for, the citizens of Ohio.

Purpose, Goals, and Objectives

The Ohio Judicial Conference was statutorily created more than 50 years ago to serve the Ohio Legislature by providing insight into proposed legislation that could impact the courts. The Conference strives to be a resource to the members of the General Assembly, to the Executive Branch, and to all Ohio judges. The Conference's enabling statute provides, in part, that the Judicial Conference is,

"organized...for the purpose of studying the co-ordination of the work of the several courts of Ohio, the encouragement of 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; to promote an exchange of experience and suggestions respecting the operation of the judicial system; and in general to consider the business and problems pertaining to the administration of justice and to make recommendations for its improvement."

To that end, the Judicial Conference offers services to Ohio judges, to the General Assembly, and to the Executive Branch that help to preserve judicial independence and accountability, promote public confidence in the law, and enhance the quality and professionalism of the judiciary. The Ohio Judicial Conference is an agency within the judicial branch of Ohio government that represents all Ohio judges. In that capacity, it facilitates collaboration among judges in all counties and jurisdictions through the work of its twenty standing committees. It relates judicial perspective to the General Assembly and other justice system partners on behalf of all judges in Ohio. It makes recommendations for improvement to the law through a legislative platform and is instrumental in the fair and uniform application of law throughout the state. The Conference cooperates and collaborates with the Supreme Court of Ohio and the judicial associations to give judges a forum, a resource, and a voice in the governance of their branch.

Ohio Revised Code section 105.911 provides, in part, that:

OHIO JUDICIAL CONFERENCE

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"If a bill or resolution introduced in the General Assembly appears to affect the revenues or expenditures of the courts of Ohio, to increase or decrease the workload or caseload of judges or members of their staffs, or to affect case disposition, the Ohio Judicial Conference may prepare a judicial impact statement of the bill or resolution on its own initiative or at the request of any member of the General Assembly."

To this end, the Judicial Conference reviews all legislation introduced in the General assembly and closely monitors bills and resolutions with a possible judicial impact. Analysis and findings are communicated regularly to legislative sponsors to ensure that the legislation achieves its intended purpose and to ensure that, if the legislation is passed, the legislature does so with a full understanding of its potential impact on the administration of justice.

Workload and Staff

All 722 Ohio judges are members of the Ohio Judicial Conference. Over two hundred judges representing every jurisdiction and every area of the state volunteer to serve on twenty working committees assisting staff with the work of the Judicial Conference.

For the past three biennia, the Judicial Conference has had a staff of ten that consisted of a judicial services division, a legislative services division, and an Executive Director. The Conference has since eliminated three positions by transferring responsibility for judicial support services to the Supreme Court of Ohio.

The seven remaining employees of the Judicial Conference, in accordance with the Conference's enabling statutes, continue to provide professional and policy support to the judges, the Judicial Conference Officers, the Judicial Conference Executive Committee, and the twenty standing committees of the Conference. These employees maintain responsibility for reviewing all legislation as it is introduced in the General Assembly, monitoring legislation with a judicial impact, providing guidance and insight to judges as they formulate opinions on the impact of legislation, providing input and advice to legislative sponsors regarding judicial impact and statutory construction, and helping to ensure the fair and uniform implementation of new laws by educating judges about legislative enactments. Because the Supreme Court is the final arbiter of the constitutionality, interpretation, and application of legislative measures, it often avoids providing input on legislation. The Judicial Conference provides this resource.

In addition, these staff members work to build understanding between the branches by facilitating communication between judges, the members of the General Assembly, the Executive Branch, and other justice system partners, and to implement the Conference's strategic plan.

Past and Anticipated Budgets

The Ohio Judicial Conference is funded by General Revenue Funds which pay primarily for personnel, and a rotary fund that generates some revenue through membership dues, registration fees for events like the Judicial Conference Annual Meeting, and royalties from the Ohio Jury Instructions. The rotary fund currently covers some personnel expenses along with costs associated with the management of Judicial

Conference committees and meetings, development and maintenance of the Judicial Conference website, and implementation of strategic plan priorities.

During the last biennium, FY 2014-2015, the Judicial Conference received a general revenue appropriation of \$824,415 and \$845,784, and a rotary appropriation of \$434,472 and \$382,506 respectively. The total appropriation for all funds was \$1,258,887 in FY '14 and \$1,228,289 in FY '15.

With the enactment of House Bill 64 last June, the Judicial Conference total appropriation was reduced by 18.4% for FY '16 and by an additional 48.5% for FY '17. Because of this dramatic reduction, I initiated a conversation with leadership in the House and Senate to resolve any concerns they had regarding funding and the continuation of the Judicial Conference. The Conference implemented the structural changes I have already mentioned, and as a result, in December 2015, the Controlling Board approved our request to increase access to rotary funds to help stabilize conference funding.

We anticipate that these structural changes to the Judicial Conference will result in significant savings now and in the future.

Governing Body

All Judicial Conference powers are exercised by the "Executive Committee" that consists of the Chief Justice of the Supreme Court of Ohio, the presiding officer and the presiding officer-elect of the Court of Appeals, the Common Pleas, Juvenile, Probate, Domestic Relations, and Municipal/County court judges associations, the co-chairs of the standing committees of the Ohio Judicial Conference, the five Officers of the Judicial Conference, the Administrative Director of the Supreme Court of Ohio, and the Executive Director of the Judicial Conference. Judges receive no compensation for their service on the Executive Committee or other committees of the Judicial Conference.

The Ohio Judicial Conference Respectfully Requests Reauthorization

The need for the services provided by the Ohio Judicial Conference is as important today as in 1963 when the Conference was created. The Judicial Conference is an integral part of the Ohio Judicial System and provides valuable services to all three branches of Ohio government and to the citizens of our great state.

Conclusion

In closing, I'd like to note that the members and staff of the Conference work every day to build relationships with the General Assembly and Executive Branch, and to be a resource to them. As importantly, we work closely with the staff of the Supreme Court of Ohio whenever it is possible to do so. I have included a copy of a letter of support from the Administrative Director of the Supreme Court.

Thank you again for the opportunity to testify. I am happy to answer any questions.

The Supreme Court of Ohio

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February 24, 2016

The Honorable Kris Jordan
Ohio Senate
Senate Building
1 Capitol Square, Ground Floor
Columbus, Ohio 43215

Re: Ohio Judicial Conference

Dear Senator Jordan:

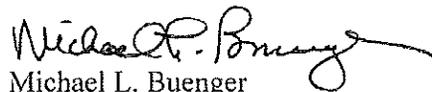
As the sunset review committee deliberates, I offer for your consideration thoughts regarding the Ohio Judicial Conference (OJC). The OJC is currently scheduled to sunset on December 31, 2016, as provided in House Bill 64. I am writing to encourage that the OJC be permanently removed from the "sunset" list so that it can continue to provide valuable services to the judges and people of Ohio.

The OJC was established in 1963 as a statutorily created body charge with the mission of providing services to Ohio's judges. Over the years the mission of the OJC has evolved as the needs of both the judiciary and state government have evolved. In October 1994 the General Assembly adopted legislation enabling the OJC to research and prepare judicial impact statements on legislation that affects the administration of justice in Ohio. Thus, one of the principal roles that the OJC now performs is that of offering policy commentary of legislative proposals, a valuable service by which judges can assist the General Assembly in understanding the impact of such proposals on the operations of the state's courts and ultimately the litigants served by those courts. While it is the unquestionable role of the General Assembly to adopt laws to govern conduct in Ohio, it is often judges who must interpret and apply those laws. Through the OJC and various other judicial organizations, the judiciary can offer its extensive experience and knowledge to the General Assembly and other partners involved in our justice system. This can only result in better responses to the many challenges facing our state.

The Honorable Kris Jordan
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Although our state constitution clearly creates three separate and independent branches of government each with its own obligations to the public, cooperation among the branches produces the best results for Ohioans. Again, I support the removal of the OJC from the sunset list and encourage your support of the same. Please let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael L. Buenger". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michael L. Buenger
Administrative Director