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# COUNTY ADVISORY BULLETIN

CAB

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**BULLETIN 1996-04**

**AUGUST 1996**

## **COMPENSATION OF JUDGES**

Earlier this year Am. Sub. HB 408 was enacted which generally increased the compensation of all elected officials, including judges, by 3% per year. In February and March of this year CCAO issued County Advisory Bulletins 96-1 and 96-2 that explained the details of this legislation.

On July 31, 1996 Governor Voinovich signed Am. Sub. HB 438. This new law will modify compensation for common pleas, municipal, and county court judges effective July 1, 1997. HB 438 also made various other changes to court law, especially as it relates to municipal and county courts. These changes will be described in a separate CAB, as this bulletin will primarily deal with the issue of compensation of judges.

## **COMPENSATION OF COMMON PLEAS JUDGES**

Under current law the compensation of common pleas judges is paid jointly by the state and the county. The state paid amount each year reflects a 3% increase of both the traditional state base and the county per capita contribution. The county pays an amount equal to 18 cents per capita. This per capita amount may not be less than \$3,500 nor more than \$14,000. In addition, common pleas judges in counties where the judge serves all four divisions receives an additional \$7,000 state paid supplement.

The practical effect of current law is that all judges in counties with a population of 77,778 or more receive the same compensation (state payments plus \$14,000 county payments). Judges in counties under 77,778 population receive a lesser amount because they receive less than the maximum county per capita share which also affects the amount of the state payment.

The new law changes this so that all common pleas judges will receive the same compensation effective July 1, 1997. This is achieved in by fixing the statutory salary for all common pleas judges, by year, through 2001. The county will continue to contribute only its per capita share as under current law, and any difference will be paid by the state.

In addition, the \$7,000 state paid supplement for judges serving all four divisions is eliminated because this supplement will now be reflected in the total compensation figure contained in the act. The bottom line effect of this change is to assure that all common pleas judges receive the same compensation irrespective of the population of the county. There will be no increased cost to the county.

Tables 1-1C detail salaries of common pleas judges for various size counties.

## **FULL TIME MUNICIPAL COURT JUDGES**

Under current law the compensation of full time municipal court judges is paid jointly by the state and local funding authorities. In the case of most municipal courts, the local share is paid 40% by the county and 60% by municipalities. In the case of county operated municipal courts the county pays 100% of the local share. Local authorities now pay \$51,750 plus 18 cents per capita, not to exceed \$10,000. In addition, in CY1995 the state paid each judge an additional \$19,700. Under HB 408 the total compensation of full-time municipal court judges was increased effective March 1, 1996 by 3%. The full amount of this 3% increase was added to the state share resulting in no additional cost to local funding authorities.

Under HB 438, effective July 1, 1997, the local per capita payments are eliminated. Instead, local funding authorities will contribute a fixed amount equal to \$61,750 to the salary of each full time municipal judge. In most cases this will not involve an increased cost to local funding authorities because most already pay the maximum per capita entitlement of \$10,000 in addition to the \$51,750. It should be noted that these provisions also apply to part time municipal judges where the population of the court jurisdiction is greater than 50,000.

Table 2, which includes a worksheet for use until July 1, 1997 is included at the end of this CAB.

## **PART TIME MUNICIPAL COURT JUDGES**

Under current law the compensation of part time municipal court judges is paid entirely by local funding authorities. The costs are split between the county and municipalities in the same way as for full time municipal judges.

In CY1995 part time municipal judges received \$36,800 plus 18 cents per capita, not to exceed \$10,000. Under HB 408, this combined amount was increased 3% per year and was paid for locally. Under HB 438, effective July 1, 1997, the per capita contribution is eliminated and the amount of local contributions will be fixed at \$35,500. At the same time, the state will begin paying compensation for part time municipal judges for the first time. These amounts will be approximately equal to the percentage of state payments made to full time municipal judges. Beginning July 1, 1997 the state will pay each judge \$14,150, increasing to \$20,450 in CY2001. Local funding authorities will thus actually pay

less beginning in July 1997 than under current law.

Table 2A, which also includes a worksheet for use until July 1, 1997, is included at the end of this CAB.

## **COUNTY COURT JUDGES**

Perhaps the major thrust of HB 438 was to make the responsibilities and monetary jurisdiction of county courts the same as municipal courts. In line with this concept, HB 438 makes the salaries of county court judges equal to part time municipal court judges and provides that all county court judges will be paid the same. As a result of this change, some county court judges will see substantial increases in compensation effective July 1, 1997.

Under current law county court judges receive their compensation entirely from the county. In CY1995 county court judges were entitled to receive \$26,850 plus 18 cents per capita not to exceed \$7,500. HB 408 increased this amount by 3% effective March 1, 1996, and another 3% effective January 1, 1997.

Under HB 438, effective July 1, 1997, the county will contribute a fixed amount of \$35,500. This is the same amount paid to part-time municipal judges by local funding authorities. Because this approach would require significant new costs for smaller counties, those counties with a population of less than 40,000 are held harmless from any increases above what is required under HB 408. For these counties, the state, through December 1998, will pay any difference in the amount payable by the county under HB 438 and the amount that the county would have paid under HB 408.

The net result of this change will be different for affected counties in the short run. Some counties will experience some increased costs, but in the long run HB 438 establishes the principle that future compensation adjustments will be paid for with state dollars and the county contribution will be fixed at \$35,500. As is the case for part time municipal judges, state payments to county court judges will equal \$14,150 beginning on July 1, 1997, increasing to \$20,450 in CY2001.

## **ADDITIONAL COMPENSATION FOR JUDGES DESIGNATED AS A PRESIDING AND ADMINISTRATIVE JUDGES IN A MUNICIPAL COURT**

Under current law municipal court judges designated as the presiding and administrative judge in courts having two or more judges are entitled to additional compensation in the amount of \$1,500 per year. The new law also specifies that in single judge municipal courts that the judge is considered as the presiding and administrative judge and thus entitled to the additional compensation. Since this provision of law does not become effective until July 1, 1997, in single judge municipal courts, the additional compensation for CY 1997 will be \$750. This additional compensation is paid 40% by the county and 60% by the municipality in most municipal courts. In county operated municipal courts, this additional compensation is paid entirely by the county. Judges that are both full time and

part time are entitled to this additional compensation.

Table 4 at the end of this CAB shows the amounts of additional compensation payable in municipal courts and includes statutory references.

### **ADDITIONAL COMPENSATION FOR JUDGES DESIGNATED AS PRESIDING AND ADMINISTRATIVE JUDGES IN COUNTY COURTS**

As was previously stated, one of the major purposes of HB 438 was to make county courts generally equivalent to municipal courts. Thus, county court judges are also allowed additional compensation when designated as the presiding and administrative judge. County court judges designated as the presiding and administrative judge are thus entitled to additional compensation of \$1,500 per year beginning July 1, 1997 as is shown in Table 5.

In 1997 they are entitled to \$750, and in all subsequent years \$1,500. These payments are made by the county except that in CY 1997 and 1998 in counties with a population of less than 40,000, this additional compensation is paid by the state. Thereafter this additional compensation is paid totally by the county.

### **COUNTY OPTIONAL COMPENSATION FOR COUNTY COURT JUDGES**

In addition to the compensation of county court judges specified above, current law authorizes the Board of County Commissioners to permissively supplement the salary of county court judges by an amount not to exceed \$2,000 in any year. This provision of Ohio law (ORC 1907.17) is not changed in HB 438, thus commissioners retain the permissive authority to provide for such supplement on an annual basis. It should also be noted that this provision must be uniformly applied in counties with more than one county court judge. In addition, this additional compensation can not be reduced during the term of office of any county court judge, but apparently can be changed at the beginning of a new term of office (OAG 70-142).

### **ACKNOWLEDGMENT**

CCAO thanks Rick Dove, Associate Director for Legal & Legislative Services for the Ohio Supreme Court for his assistance in the preparation of this CAB. Questions concerning this issue may be addressed to Larry Long at CCAO or Rick Dove at the Ohio Supreme Court, 30 East Broad Street, Columbus, Ohio 43215, (614) 466-4929 we would also like to thank Anne McNealy, Executive Director, Ohio Judicial Conference for her assistance.

**TABLE 1**

**SALARIES OF COMMON PLEAS JUDGES**

**CY 1995 - CY 2001**

**COUNTIES WITH POPULATIONS OF 77,778 OR MORE**

<b>SOURCE OF FUNDING</b>	<b>1995</b>	<b>3-1-96</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>
COUNTY	14,000	14,000	14,000	14,000	14,000	14,000
STATE	72,650	75,250	77,950	80,700	83,550	86,500
TOTAL	86,650	89,250	91,950	94,700	97,550	100,500

ORC 141.04(A)(4)  
141.05

**TABLE 1A AND WORKSHEET**

**SALARIES OF COMMON PLEAS JUDGES**

**CY 1995 - CY 2001**

**COUNTIES WITH POPULATION FROM 19,445 - 77,777**

SOURCE OF FUNDS	1995	3-1-96	1-1-97	7-1-97	1998	1999	2000
COUNTY	18 CENTS PER CAPITA						18 CENTS PER CA
	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
STATE	72,650	72,650 plus 3% of 1995 total	3-1-96 state share plus 3% of 3-1-96 total	Total Salary minus County Paid Per Capita Contribution			
				\$ _____	\$ _____	\$ _____	\$ _____
TOTAL	Total of Sate Contributions and County Paid Per Capita Contributions (rounded to nearest \$50)			91,950	94,700	97,550	100,500
	\$ _____	\$ _____	\$ _____				

ORC 141.04(A)(4)  
141.05

**TABLE 1B****SALARIES OF COMMON PLEAS JUDGES****CY 1995 - CY 2001****COUNTIES WITH POPULATIONS 19,444 OR LESS**

<b>SOURCE OF FUNDING</b>	<b>1995</b>	<b>3-1-96</b>	<b>1-1-97</b>	<b>7-1-97</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>
COUNTY	3,500	3,500	3,500	3,500	3,500	3,500	3,500
STATE	72,650	74,950	77,300	88,450	91,200	94,050	97,000
TOTAL	76,150	78,450	80,800	91,950	94,700	97,550	100,500

NOTE: This table is only for common pleas judges in counties of 19,444 population or less and where judge DOES NOT preside over all four divisions of common pleas court. For judges in such counties that preside over all four divisions, refer to Table 1C.

ORC 141.04(A)(4)  
141.05

**TABLE 1C****SALARIES OF COMMON PLEAS JUDGES****CY 1995 - CY 2001****COUNTIES WITH POPULATIONS 19,444 OR LESS****AND****WHERE JUDGE PRESIDES OVER ALL FOUR DIVISIONS OF COMMON PLEAS COURT**

<b>SOURCE OF FUNDING</b>	<b>1995</b>	<b>3-1-96</b>	<b>1-1-97</b>	<b>7-1-97</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>
COUNTY	3,500	3,500	3,500	3,500	3,500	3,500	3,500
STATE	79,650	82,150	84,700	88,450	91,200	94,050	97,000
TOTAL	83,150	85,650	88,200	91,950	94,700	97,550	100,500

NOTE: This table is only for common pleas judges in counties of 19,444 population or less if the judge presides over all four divisions of common pleas court. For judges in such counties that do not preside over all four divisions, refer to Table 1B.

Presently applies to judges in the following counties: Adams, Harrison, Henry, Morgan, Morrow, Noble, Wyandot

ORC 141.04(A)(4)  
141.05  
141.06 until 7-1-97

**TABLE 2 AND WORKSHEET**

**SALARIES OF FULL TIME MUNICIPAL JUDGES**

**CY 1995 - CY 2001**

<b>SOURCE OF FUNDS</b>	<b>1995</b>	<b>3-1-96</b>	<b>1-1-97</b>	<b>7-1-97</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>
LOCAL	\$51,750 plus 18 cents per capita not to exceed \$10,000			61,750	61,750	61,750	61,750
	\$ _____	\$ _____	\$ _____				
STATE	19,700	19,700 plus 3% of 1995 total	3-1-96 state share plus 3% of 3-1-96 total	24,650	27,250	29,900	32,450
	\$ _____	\$ _____	\$ _____				
TOTAL (rounded to nearest \$50)	Total of state and local contributions (rounded to nearest \$50)			86,400	89,000	91,650	94,100
	\$ _____	\$ _____	\$ _____				

NOTE: Municipalities generally pay 60%, counties 40%, except in county operated municipal courts where county pays 100%

ORC 141.04(A)(5)  
141.11(B)(1)

**TABLE 2A AND WORKSHEET**

**SALARIES OF PART TIME MUNICIPAL JUDGES**

**CY 1995 - CY 2001**

<b>SOURCE OF FUNDS</b>	<b>1995</b>	<b>3-1-96</b>	<b>1-1-97</b>	<b>7-1-97</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>
LOCAL	36,800 plus 18 cents per capita	103% of amount paid in 1995	103% of amount paid effective 3-1-96	35,500	35,500	35,500	35,500
	\$ _____	\$ _____	\$ _____				
STATE	0	0	0	14,150	15,650	17,200	17,200
TOTAL (rounded to nearest \$50)	\$ _____	\$ _____	\$ _____	49,650	51,150	52,700	52,700

NOTE: Municipalities generally pay 60%, counties 40%, except in county operated municipal courts where county pays 100%



ORC 141.04(A)(6)  
1901.11(A)(1)

**TABLE 3 AND WORKSHEET**

**SALARIES OF COUNTY COURT JUDGES**

**CY 1995 - CY 2001**

**COUNTIES MORE THAN 40,000 POPULATION**

<b>SOURCE OF FUNDS</b>	<b>1995</b>	<b>3-1-96</b>	<b>1-1-97</b>	<b>7-1-97</b>	<b>1998</b>	<b>1999</b>
COUNTY	\$26,850 plus 18 center per capita not to exceed \$7,500 rounded to nearest \$50 \$ _____	103% of 1995 amount rounded to nearest \$50 \$ _____	103% of 3-1-96 amount rounded to nearest \$50 \$ _____	35,500	35,500	35,500
STATE	0	0	0	14,150	15,650	17,200
TOTAL	\$ _____	\$ _____	\$ _____	49,650	51,150	52,700

NOTE: Excludes county permissive payments pursuant to ORC 1907.17

ORC 141.04(A)(6)  
1907.16

**TABLE 3A AND WORKSHEET**

**SALARIES OF COUNTY COURT JUDGES**

**CY 1995 - CY 2001**

**COUNTIES LESS THAN 40,000 POPULATION**

<b>SOURCE OF FUNDS</b>	<b>1995</b>	<b>3-1-96</b>	<b>1-1-97</b>	<b>7-1-97</b>	<b>1998</b>	<b>1999</b>
COUNTY	\$26,850 plus 18 cents per capita not to exceed \$7500 rounded to nearest \$50  \$ _____	103% of 1995 amount rounded to nearest \$50  \$ _____	103% of 3-1-96 amount rounded to nearest \$50  \$ _____	lesser of 103% of 1-1-97 amount as computed under HB 408 or \$35,500  \$ _____	lesser of 103% of 1-1-97 amount as computed under HB 408 or \$35,500  \$ _____	35,500
STATE	0	0	0	49,650 minus county contribution	51,150 minus county contribution	17,200
TOTAL	\$ _____	\$ _____	\$ _____	49,650	51,150	52,700

ORC 141.04(A)(6)  
1907.16 Section 5, Am. Sub. HB 438 of 121st General Assembly

**TABLE 4**

**PRESIDING AND ADMINISTRATIVE JUDGES IN MUNICIPAL COURTS  
DESIGNATION AND ADDITIONAL COMPENSATION**

<b>NUMBER OF JUDGES</b>	<b>HOW DESIGNATED</b>	<b>ORC REFERENCE</b>	<b>ADDITIONAL ANNUAL COMPENSATION</b>	<b>ORC REFERENCE</b>	<b>SC</b>
One Judge	Specified in Statute	1901.09(A)	\$1,500	1901.11(B)(2)	
Two Judges	Judge whose term next expires	1901.09(B)	\$1,500	1901.11(B)(2)	
Three or more Judges	Judges select presiding and administrative judge on second Monday of January of even numbered years.	1901.09(C)	\$1,500	1901.11(B)(2)	

Note: These amounts are generally paid 40% by the county, 60% by the municipality. If the court is a county operated municipal court the county pays 100% of the additional compensation. In one judge municipal courts the additional compensation begins on July 1, 1997 which means that judges in one judge courts only receive \$750 in CY 1997. This additional compensation applies to both full time and part time municipal judges.

**TABLE 5**

**PRESIDING AND ADMINISTRATIVE JUDGES IN COUNTY COURTS  
DESIGNATION AND ADDITIONAL COMPENSATION**

<b>NUMBER OF JUDGES</b>	<b>HOW DESIGNATED</b>	<b>ORC REFERENCE</b>	<b>ADDITIONAL ANNUAL COMPENSATION</b>	<b>ORC REFERENCE</b>	<b>SO</b>
One Judge	Specified in Statute	1907.131(A)	\$1,500	1907.16(C)	
Two Judges	Judge with Longest Tenure	1907.131(B)	\$1,500	1907.16(C)	
Three or more Judges	Judges select the presiding and administrative judge on the second Monday in January of odd numbered years	1907.131(C)	\$1,500	1907.16(C)	

Note: These amounts become effective on July 1, 1997, thus such judges only receive \$750 in CY 1997. In counties under 40,000 population these costs are paid with state funds in 1997