



Ohio Judicial Conference

Policy Statement

POLICY STATEMENT ON COURT COSTS

Prepared by

Ohio Judicial Conference Court Administration Committee

Approved by

Ohio Judicial Conference Executive Committee

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What is the Ohio Judicial Conference?

The Ohio Judicial Conference is dedicated to serving all Ohio judges. The Judicial Conference is the voice of the judiciary & a primary resource to ensure the fair, unbiased, open & effective administration of justice.

What is a Policy Statement?

A Policy Statement describes as objectively and accurately as possible the position of the Ohio Judicial Conference. Typically policy statements are developed by a standing committee of the Ohio Judicial Conference and presented to the full Executive Committee for their consideration. All policy statements are approved by the full Executive Committee of the Ohio Judicial Conference. The Ohio Judicial Conference prepares these statements to clarify and explain the position the Judicial Conference has taken with regard to a particular issue that the Judicial Conference has determined relevant to the administration of justice.

What is the Executive Committee?

The Executive Committee establishes Judicial Conference policy and adopts resolutions that express judicial consensus.

In addition to the Judicial Conference Officers and Executive Director, the Executive Committee is composed of the co-chairs of the standing committees of the Judicial Conference; the presiding officers and presiding officers elect of Ohio's judicial associations; and the Administrative Director of the Supreme Court of Ohio.

Ohio Judicial Conference

65 South Front Street, 4th Floor
Columbus, OH 43215-3431
Phone: 614-387-9750
Fax: 614-387-9759
www.ohiojudges.org

The Ohio General Assembly has over recent years repeatedly considered increasing court costs for various purposes. Similarly, local legislative and executive offices routinely demand increases in court costs and fees. The Ohio Judicial Conference has adopted the following policy as guidance to the General Assembly and to the Judicial Conference in reviewing future legislation regarding increases in court costs.

George Washington said, "The administration of justice is the firmest pillar of government." It is one of, if not the primary, purpose of government to provide a forum for the fair and just resolution of complaints between citizens and between the citizens and the government on behalf of all the people. Should the people lose confidence in the courts to fairly resolve their complaints, then civility shall cease to exist and chaos shall reign. The courts, therefore, serve all the people as a bulwark for peace and cannot be perceived to be a service only to those who file claims. For this reason there should not be any toll upon the people in order to attain justice and, aside from some nominal fee, there should not be any charge to the people to access justice in the courts of law of the great state of Ohio. Nor should there be a tax levied upon the proper use of the courts to access justice either for the pursuit of claims or the defense of claims or criminal charges. Although it may be appropriate in some circumstances for the government to charge a user fee for services received, such is not the case for access to justice for it is an essential right of the people. Further, any requirement upon the court to depend on its own order to levy fines, costs, fees or taxes upon the people in order to provide for its support encourages corruption and injustice and should be resisted.

Fees, costs and taxes are distinguished from fines in that fines are levied as a punishment based upon the seriousness of the offense and should be fashioned in amount and form of payment to fit the offense committed. The court should have discretion in setting the amount of fines without consideration of the distribution thereof. The legislature should have the

authority to determine such distribution. Fees, costs and use taxes are assessed evenly without regard to the offense or claim charged and should only be assessed in nominal amounts to discourage abuse of process, to provide some minimal independent resource to the judiciary. Any amounts distributed directly to a court from fees, costs or fines should not exceed amounts reasonable and necessary to the proper function of the court.

Any fees assessed upon those accessing justice should be applied to support the courts directly. Court costs, fees, or user taxes should not be levied by the courts for the purpose of funding any special interest. The authority to adjust court costs or fees should be retained by the courts without regard to the funding needs of the court, but rather based upon actual expense and the general ability of the citizenry to pay such. In no case should such costs or fees be allowed to increase to the extent that they constitute an arbitrary penalty applied against those seeking justice in the courts and set without regard to the traditional factors associated with punishment.

The Ohio Judicial Conference should resist any effort of the legislative or the executive branches of government to require the courts to be self-funding. The funding of the courts of justice should fall evenly upon the people and the courts should be funded primarily from the general funds of the state or local governments where their jurisdiction lies.