



# **TOLEDO MUNICIPAL COURT**

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**ANNUAL REPORT 2008**

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## COURT ADMINISTRATOR'S OFFICE

Pamela Roberts  
Court Administrator

### **Department Description:**

The Court Administrator's Office was established in 1972 to relieve the judges of day-to-day administrative duties and to provide technical assistance for the planning, development, and presentation of improved policies, procedures, and programs.

The day-to-day responsibilities include the following: policy development and implementation; budget preparation and fiscal administration; personnel administration and payroll; purchasing and liaison with vendors; statistical data collection and analysis; technology management; liaison with other governmental agencies, city divisions, the practicing bar and the public.

The Court Administrator reports directly to the seven Judges and is responsible for general supervision of the Judges Division Departments in addition to the Housing Specialists, the Citizens Dispute Settlement Program, and the Small Claims Assistant program. The Court Administrator also serves as staff for the monthly Judges Meetings and acts as the division Equal Opportunity/Affirmative Action Officer.

### **Accomplishments:**

Judge Timothy C. Kuhlman was elected Presiding and Administrative Judge for his second term beginning January 1, 2008.

The largest change of the year was accomplished in May with the move to a Single Judge Assignment system. Under this system, defendants who are already on probation will have any new charges assigned to the same Judge that placed them on probation. In the past, a defendant may have cases assigned to various Judges and be on probation with several judges, resulting in multiple hearings and terms for probation. This system is expected to reduce the total number of cases scheduled on each Judge's docket. It will also have a profound positive effect on the Probation Department and the Assignment Office. This change was accomplished with the cooperation of the Clerk's Office and NORIS.

The Clerk of Court, Northwest Ohio Regional Information System (NORIS), and the Court continued to move toward the full integration of the Case Log Information Processing (CLIP) system and the Case Assignment Tracking System (CATS) to make them more effective and efficient. The committee has been expanded to include other projects and procedures on a cooperative basis and the group has been re-named the committee for Inter-Divisional Efficiency Advancements (IDEA).

The Court continued to expand the use of video conferencing. All custody arraignments in Courtroom 4 involving a defendant in custody at the Corrections Center of Northwest Ohio (CCNO) are now arraigned via video conference. This saves time and money due to the reduction of transporting the defendants from the institution. The system is under review to take the same action for Courtroom 3 arraignments.

The Court increased security through several actions. In March, the Court began producing in-house identification badges. This gives the court much more flexibility in the issuance of the badges and resulted in a higher quality badge for better internal security. In addition, an Agency Identification Badge program was put in place to assist the Clerk of Court's Office in identifying those not employed by the court that are allowed to check out files. In addition, the system managing remote entry into the courthouse through the

garage and the tunnels was updated to improve reliability and security. A last security improvement was the repair of the public address system in the courthouse.

Services to the public were a focus of improvement this year. The Court purchased a portable hearing assistance system that can be used in any courtroom in the courthouse. This is in addition to the hearing assistance systems already in place in Courtrooms 3, 4, and 9. Forms for the Court's Check Mediation Service were placed on the website, allowing for more access and lower costs due to the elimination of postage. The Citizen's Dispute Resolution Program also benefited from technological improvements to their case management program.

All court employees, with the exception of the Civil Bailiff's Office, had Outlook installed to facilitate better communication throughout the Court. It is anticipated at the Civil Bailiff's office will be computerized in 2009.

The Court Administrator's Office continued in 2008 to serve as a facilitator for Magistrate and Court staff videoconferences sponsored by the Ohio Judicial College and The Supreme Court of Ohio. In addition, the office continued to work with the Toledo Bar Association Auxiliary to provide tours for high school students. The Court hosted The Toledo Bar Association's High School Mock Trial Competition.

The Court Administrator is appointed to the Lucas County Community Corrections Board and the Regional Community Corrections Boards consisting of those counties participating in CCNO. The Court Administrator also serves on the National Association for Court Management Conference Planning Committee and Vendor Subcommittee and is the Chairperson for the Ohio Association for Court Management (OACA) Mentoring Committee.

The Deputy Court Administrator was elected as the Vice President for the OACA for 2009. He also continued to participate in the Supreme Court's Court Management Program, a three-year program examining all aspects of court administration with completion anticipated in 2009.

The past year saw many staff changes throughout the Court. The Probation Department welcomed Probation Secretary Joan Kelly. Probation Secretary Chris Sheppard and Probation Unit Supervisor Joe Moran retired. A new Law Clerk, Bridget Connelly, began working for Judge Kuhlman. Law Clerks Chris Kimberly and George Thomas both left the Court in 2008. In the Civil Bailiff's Office, Deputy Bailiff Marion Cary retired. Other retirements included two in the Assignment Commissioner's Office, Assignment Clerk Laura Burnham and Senior Assignment Clerk Terri Burke. They were replaced with Amy Wroblewski and Cheryl Smith, respectively. Judges Secretary Elly Gallaher joined the Court when Judges Secretary Brooke Lauber-Cobb's position became a job share. An eighth Courtroom Bailiff, Ann Burnworth, was also added this year.

### **Goals for 2009:**

- Implementation of Intranet for all Court staff
- Implementation of video arraignments from CCNO in Courtroom 3
- Updated website and consolidation with Clerk of Court's website and Housing Court website.
- Compilation of Human Resource policies and procedures
- Update and expansion of the Court's security video system
- Formation and implementation of a Continuity of Operations Plan (COOP)

**Staff Summary:**

The Court Administrator's Office Staff is comprised of Court Administrator Pamela Roberts, Deputy Court Administrator Donald Colby, Human Resource Officer Lisa Falgiano, Information Technology Officer Terry Koluch, Business Officer Barbara Hunter, and Judges Secretaries Connie Sapp, Diana Jensen, Judy Heslet, Brooke Lauber-Cobb, and Elly Gallaher.

**CLERK OF TOLEDO MUNICIPAL COURT**

Vallie Bowman-English, Clerk

<b>Filings</b>	<b>2008</b>	<b>2007</b>
Civil Division	26,075	25,234
Criminal / Traffic Division	101,102	112,747
<b>TOTAL</b>	<u>127,177</u>	<u>137,981</u>

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**Revenue Collected**

Civil	\$11,146,685.23	\$11,124,827.24
Criminal / Traffic	\$5,241,139.07	\$5,190,889.51
<b>TOTAL</b>	<u>\$16,387,824.30</u>	<u>\$16,315,716.75</u>

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**Revenue Disbursed**

City of Toledo General Fund	4,378,665.45	4,228,088.16
Other City of Toledo Accounts	1,515,305.86	1,318,813.58
Ottawa Hills	25,635.40	28,142.10
Washington Township	848.00	1,760.10
University of Toledo	1,934.00	1,845.00
Lucas County Treasurer	189,614.01	195,827.83
Lucas County Sheriff	448.00	577.50
Lucas County Drug Fund	37,404.03	37,417.50
Lucas County Law Library Association	8,166.00	6,802.50
Citizen Award Fund / Crime Stoppers	2,528.00	-
Toledo Area Humane Society	131.00	75.00
Toledo Area Metro Parks	720.00	2,029.00
Toledo Legal News	258,093.93	254,002.46
Civil Legal Assistance Project	202,250.00	197,923.31
Treasurer of State	1,458,724.28	1,460,108.90
Department of Natural Resources	1,174.00	3,979.00
State Pharmacy Board	3,549.00	3,326.95
Division of Liquor Control	100.00	100.00
Ohio Department of Agriculture	-	150.00
Capital Recovery Systems	264,178.30	262,363.88
Fiduciary Accounts - Civil	7,894,861.37	7,889,090.00
Fiduciary Accounts – Trusteeship	143,170.30	308,885.35
Refunded Over Payments	28,362.46	34,930.48
<b>TOTAL</b>	<u>\$16,415,863.39</u>	<u>\$16,236,238.60</u>

Clerk of Toledo Municipal Court  
Civil Division

<b>Filings</b>	<b>2008</b>	<b>2007</b>
Civil General	23,015	22,434
Small Claims	3,019	2,748
Trusteeship	<u>41</u>	<u>52</u>
<b>TOTAL</b>	<b>26,075</b>	<b>25,234</b>

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**Activities**

Bailiff Service Issued	7,164	- <sup>1</sup>
Certificates of Judgment	5,394	4,074
Certified Mail Issued	36,441	- <sup>2</sup>
Disbursements – Civil	6,955	6,782
Disbursements – Trusteeship	698	1,426
Dismissals	6,331	7,128
Executions	438	552
Garnishments	12,171	12,224
Judgments	53,407	55,702
Motions	14,437	13,137
Ordinary Mail Issued	15,743	- <sup>3</sup>
Proceedings in Aid	1,863	2,695
Reports	49,372	50,912
Revivers	112	131
Revocations	16	16
Satisfactions	3,952	4,716
Subpoenas	593	862
Terminations	22,252	21,851
Transcripts	113	106
Writ of Restitution	<u>3,139</u>	<u>3,584</u>
<b>TOTAL</b>	<b>240,594</b>	<b>185,898</b>

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**Revenue Collected**

Civil Revenue	3,137,978.81	2,853,269.97
Fiduciary Accounts - Civil	7,870,102.90	8,015,263.92
Fiduciary Accounts – Trusteeship	<u>138,603.52</u>	<u>256,293.35</u>
<b>TOTAL</b>	<b>\$11,146,685.23</b>	<b>\$11,124,827.24</b>

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**Revenue Disbursed**

City of Toledo General Fund	1,736,451.55	1,483,554.71
Other City of Toledo Accounts	376,120.25	358,755.39
Civil Legal Assistance Project	202,250.00	197,923.31
Treasurer of State	563,776.92	553,137.87
Toledo Legal News	258,093.93	254,002.46
Fiduciary Accounts – Civil	7,894,861.37	7,889,090.00
Fiduciary Account – Trusteeship	<u>143,170.30</u>	<u>308,885.35</u>
<b>TOTAL</b>	<b>\$11,174,724.32</b>	<b>\$11,045,349.09</b>

<sup>1</sup> Bailiff Service Issued not tracked until 2008

<sup>2</sup> Certified Mail Issued not tracked until 2008

<sup>3</sup> Ordinary Mail Issued not tracked until 2008

## Clerk of Toledo Municipal Court

## Criminal / Traffic Division

Filings	2008		2007	
	Charges	Cases	Charges	Cases
Traffic	65,607	39,506	70,735	39,585
Criminal	35,495	25,615	42,012	30,022
TOTAL	<u>101,102</u>	<u>62,121</u>	<u>112,747</u>	<u>69,607</u>

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**Revenue Collected**

Fines	1,725,743.65	1,807,567.78
Costs and Fees	3,443,494.70	3,299,335.15
HITT	9,993.26	16,388.10
Bond Forfeitures	33,545.00	32,668.00
Over Payments	28,362.46	34,930.48
TOTAL	<u>\$5,241,139.07</u>	<u>\$5,190,889.51</u>

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**Revenue Disbursed**

City of Toledo General Fund	2,642,213.90	2,744,533.45
Other City of Toledo Accounts	1,139,185.61	960,058.19
Ottawa Hills	25,635.40	28,142.10
Washington Township	848.00	1,760.10
University of Toledo	1,934.00	1,845.00
Lucas County Treasurer	189,614.01	195,827.83
Lucas County Sheriff	448.00	577.50
Lucas County Drug Fund	37,404.03	37,417.50
Lucas County Law Library Association	8,166.00	6,802.50
Citizen Award Fund / Crime Stoppers	2,528.00	-
Toledo Area Humane Society	131.00	75.00
Toledo Area Metro Parks	720.00	2,029.00
Treasurer of State	894,947.36	906,971.03
Department of Natural Resources	1,174.00	3,979.00
State Pharmacy Board	3,549.00	3,326.95
Division of Liquor Control	100.00	100.00
Ohio Department of Agriculture	-	150.00
Capital Recovery Systems	264,178.30	262,363.88
Refunded Over Payments	28,362.46	34,930.48
TOTAL	<u>\$5,241,139.07</u>	<u>\$5,190,889.51</u>

## ASSIGNMENT OFFICE

Karen E. Wood  
Assignment Commissioner

### **Department Description:**

The primary responsibility of the Assignment Commissioner's Office is the judge assignment to criminal, traffic and civil cases as well as the setting of pretrials, trials and other hearings. The Rules of Superintendence for Municipal Courts, promulgated by the Supreme Court of Ohio, require that cases be assigned to judges in a random manner. A computer makes random assignments when a defendant enters a "not guilty" plea in criminal and traffic cases, and upon the filing of a motion or an answer in civil cases.

After a pretrial or trial date is set, the parties are notified, arrangements are made for jurors if a jury demand is filed, or for a visiting judge if needed. The department is also responsible for the daily posting and distribution of the court schedules, publishing of civil cases set for hearing and all filed motions in Legal News, and the processing of judgment and dismissal entries.

### **Accomplishments:**

In 2008, the staff worked on a variety of projects updating the office computer system, began a new notification system, instituted the "Single Judge Assignment" process and welcomed two new co-workers. In addition, the Clerk's Office began updating entries from a work station on our office.

The figures for 2008 with comparison figures for 2007 are as follows:

<b>Category</b>	<b>2008</b>	<b>2007</b>
A. Cases Assigned		
Criminal/Traffic Assignments	27,773	29,735
Civil Assignments (including Housing)	1,433	1,648
B. Cases set for Trial		
Criminal/Traffic Trials	9,910	9,632
Civil Trials	1,373	1,624
Criminal/Traffic Trial Resets	9,589	11,759
C. Cases set for Pretrial		
Pretrial – Criminal/Traffic	13,775	15,038
Pretrial Resets	2,581	3,536
Mandatory Jury Pretrials (MJPT)	144	181
D. Preliminary Hearing/Felony Arraignment Docket	16,553	17,359

Category	2008	2007
E. Jury Trials Set (Crim/Traff/Civil)	192	295
F. Bureau of Motor Vehicle Hearings	29	18
G. Evictions	6,650	7,048
H. Housing		
Criminal Housing Trials	427	340
Civil Housing (Not a Draw) New Assignments	176	216
Rent Escrow	24	63
I. ALS/Innocent Owner Hearings	44	49

**Civil Assignments:**

Pursuant to the Rules of Superintendence, judges are assigned on civil cases upon the filing of an answer or motion. There are instances in which judges are assigned on other than the above, such as Housing, reassignment, consolidation, assessment hearings, or transfers. The following figures represent the number of civil cases assigned during 2008 and 2007 per individual Judge:

2008	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Total
CAM	20	22	11	16	7	15	14	10	20	11	20	10	176
TCK	16	25	11	15	17	15	20	14	15	22	18	21	209
RGC	21	18	19	19	15	14	10	9	15	24	10	14	188
AJB	21	12	17	14	13	13	22	14	24	26	9	19	204
LHS	12	20	17	20	24	15	19	17	22	16	13	28	223
MRG	12	20	17	20	24	15	19	17	22	16	13	28	223
FXG	17	14	17	20	18	21	23	12	20	22	13	13	210
Total	119	131	109	124	118	108	127	93	138	137	96	133	1,433

2007	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
CAM	28	12	29	17	29	27	16	23	12	27	24	21	265
TCK	20	20	11	16	21	23	18	23	19	22	21	15	229
RGC	12	19	17	18	24	22	18	19	15	19	19	14	216
AJB	19	21	22	14	23	20	16	28	19	20	12	21	235
LHS	19	20	18	19	20	16	19	23	12	24	27	12	229
MRG	14	12	15	15	24	25	23	22	25	27	16	20	238
FXG	21	20	17	21	18	19	19	29	17	24	12	19	236
Total	133	124	129	120	159	152	129	167	119	163	131	122	1,648

**Civil Cases Set for Trial:**

<b>Month</b>	<b>2008</b>	<b>2007</b>
January	131	128
February	121	136
March	100	165
April	143	133
May	120	161
June	98	148
July	97	115
August	105	137
September	83	122
October	134	147
November	114	136
December	127	96
<b>TOTAL</b>	<b>1,373</b>	<b>1,624</b>

**Civil Motions:**

A civil motion is a preliminary pleading related to procedure and point of law. In 2008, 2,653 civil motions were processed and 61 were set for Oral Motion Hearing. In 2007, 2,976 civil motions were processed and 136 were set for Oral Motion Hearing.

Civil Pretrials:

2008 1,359

2007 1,550

Civil Juries Set:

2008 52

2007 87

Civil Mandatory Jury Pretrials:

2008 50

2007 57

**Evictions:**

<b>2008 Evictions</b>	<b>Set</b>	<b>Reset</b>	<b>Judgments</b>	<b>Dismissals</b>	<b>On Desk/Continuances</b>
January	540	57	332	140	11
February	543	56	289	182	16
March	482	70	243	152	17
April	458	41	264	135	18
May	581	52	361	156	12
June	607	53	352	200	2
July	594	47	358	186	3
August	533	50	302	172	9
September	593	69	335	180	9
October	608	80	354	162	12
November	499	50	272	165	12
December	612	74	349	178	11
<b>Totals:</b>	<b>6,650</b>	<b>699</b>	<b>3,811</b>	<b>2008</b>	<b>132</b>

<b>2007 Evictions</b>	<b>Set</b>	<b>Reset</b>	<b>Judgments</b>	<b>Dismissals</b>	<b>On Desk/Cont./Other</b>
January	633	90	330	183	30
February	583	88	282	178	35
March	516	65	270	164	17
April	494	68	281	130	15
May	633	83	367	168	15
June	555	50	348	142	15
July	619	54	381	172	12
August	698	71	435	176	16
September	656	83	382	178	13
October	623	56	373	183	11
November	555	57	357	122	19
December	483	55	287	122	19
<b>TOTALS</b>	<b>7,048</b>	<b>820</b>	<b>4,093</b>	<b>1,918</b>	<b>217</b>

A tenant may deposit with the Clerk of Court all money due to a landlord (if there is a defect with the property) by filing an application in accordance with Section 5321.07 of the Ohio Revised Code.

**Rent Escrow:**

	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>2008</b>	4	2	0	2	3	0	3	0	5	1	1	3	24
<b>2007</b>	8	6	8	8	8	3	6	5	2	4	2	3	63

**Bureau of Motor Vehicle Hearings (Civil):**

A Magistrate schedules BMV cases for Hearing.

2008 – 29 cases were set for Hearing.

2007 – 18 cases were set for Hearing.

**Criminal and Traffic Assignments:**

Upon entering a plea of “not guilty” before a judge, or in the Assignment Office, the Assignment Commissioner’s computer randomly assigns the case to a judge. Once a judge is assigned, the Assignment Commissioner’s Office sets all pretrials and trials within time limits set forth in Section 2945.71 R.C. As of 2000, most cases are set for a pretrial unless there is an issue with statutory time.

**Criminal/Traffic Assignments:**

<b>Judge</b>	<b>2008</b>	<b>2007</b>
McCormell	2,915+369	3,073+500
Kuhlman	4,063	4,313
Christiansen	4,165	4,389
Berling	4,031	4,282
Schaefer	4,061	4,351
Goulding	4,061	4,440
Gorman	4,108	4,387
	<b>27,773</b>	<b>29,735</b>

**Reactivated Cases (Sealing of Record):**

2008	287
2007	133

**Criminal/Traffic Reset Cases**

<b>2008</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>McCormell</b>	97	90	59	72	87	87	100	69	50	97	58	81	947
<b>Kuhlman</b>	80	91	79	102	106	87	109	98	104	133	84	88	1161
<b>Christiansen</b>	121	161	160	171	172	131	173	165	163	141	82	142	1782
<b>Berling</b>	165	171	156	166	125	125	118	84	102	120	98	37	1467
<b>Schaefer</b>	102	106	77	78	98	73	101	99	92	155	119	97	1197
<b>Goulding</b>	101	99	106	98	141	95	128	141	107	162	120	108	1406
<b>Gorman</b>	185	148	112	168	139	127	166	168	106	124	73	113	1629
<b>Total</b>	851	866	749	855	868	725	855	824	724	932	634	666	9589
<b>2007</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>McCormell</b>	116	78	95	95	76	111	90	80	82	68	53	92	1036
<b>Kuhlman</b>	149	140	153	102	139	164	106	131	99	153	79	145	1560
<b>Christiansen</b>	94	164	192	196	269	226	226	224	159	190	124	223	2287
<b>Berling</b>	92	111	96	88	132	112	135	128	106	176	98	126	1400
<b>Schaefer</b>	142	160	161	188	131	118	119	94	139	126	104	103	1585
<b>Goulding</b>	193	124	184	175	187	136	202	216	180	162	89	96	1944
<b>Gorman</b>	182	130	129	142	105	144	107	153	142	291	207	215	1947
<b>Total</b>	968	907	1010	986	1039	1011	985	1026	907	1166	754	1000	11759

**2008 Jury Trials (Criminal/Traffic/Civil):**

<b>Month</b>	<b>Crim/Traff</b>	<b>Civil</b>	<b>Ordered</b>	<b>Used</b>	<b>No Jurors</b>
January	6	1	0	0	0
February	14	1	2	2	0
March	12	5	0	0	0
April	12	6	2	1	0
May	16	5	0	0	0
June	5	9	2	1	0
July	13	3	1	1	0
August	14	3	3	2	0
September	12	9	1	1	0
October	15	6	3	2	0
November	12	2	1	1	0
December	9	2	0	0	0
Total:	140	52	15	11	0

**2007 Jury Trials (Criminal/Traffic/Civil):**

<b>Month</b>	<b>Crim/Traff</b>	<b>Civil</b>	<b>Ordered</b>	<b>Used</b>	<b>No Jurors</b>
January	21	10	2	1	0
February	15	7	0	0	0
March	12	4	1	1	0
April	18	7	1	0	0
May	18	8	2	0	0
June	18	16	0	0	0
July	19	3	3	2	0
August	24	5	0	0	0
September	20	9	6	5	0
October	22	7	5	2	0
November	4	3	0	0	0
December	17	8	2	2	0
Total:	208	87	22	13	0

2008 Criminal/Traffic Trials                      9,910  
2007 Criminal /Traffic Trials:                      9,632

**2008 Criminal/Traffic Pretrials:**

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
<b>McConnell</b>													
Set	132	153	126	156	134	150	162	159	140	171	106	116	1,705
Reset	19	25	9	17	30	36	18	16	16	40	16	29	271
*MJPT	0	5	0	0	2	2	2	1	1	0	1	2	16
<b>Kuhlman</b>													
Set	165	178	171	200	156	192	168	175	214	195	151	139	2,104
Reset	65	36	25	46	22	33	30	21	24	27	12	15	356
MJPT	1	4	2	3	3	3	1	2	3	0	0	0	22
<b>Christiansen</b>													
Set	93	169	169	188	177	187	183	205	200	215	141	157	2,084
Reset	37	63	39	71	53	44	47	28	62	32	22	49	547
MJPT	1	2	3	3	6	3	7	4	4	1	1	4	39
<b>Berling</b>													
Set	128	106	117	127	139	153	141	138	148	141	100	139	1,577
Reset	26	43	22	31	28	26	21	23	26	27	23	9	305
MJPT	2	2	0	0	2	2	1	4	1	1	0	0	15
<b>Schaefer</b>													
Set	190	161	167	181	181	178	199	161	189	202	160	148	2,117
Reset	42	35	40	24	52	29	24	28	28	42	48	25	417
MJPT	0	1	2	0	3	3	1	0	1	3	0	1	15
<b>Goulding</b>													
Set	185	185	163	213	159	164	177	159	259	212	176	156	2,208
Reset	24	31	27	37	44	21	25	26	14	24	34	20	327
MJPT	3	0	2	1	2	2	4	2	4	2	3	1	26
<b>Gorman</b>													
Set	162	145	141	185	150	165	145	168	197	218	148	156	1,980
Reset	36	33	17	44	27	30	44	31	25	34	10	27	358
MJPT	1	0	1	1	0	2	4	1	1	0	0	0	11
Total Set													13,775
Total Reset													2,581
Total MJPT													144

\*Mandatory Jury Pretrials

## 2007 Criminal/Traffic Pretrials

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
<b>McConnell</b>													
Set	175	150	185	175	188	140	174	172	146	179	148	141	1,973
Reset	40	17	39	27	38	30	29	32	18	22	7	17	316
*MJPT	3	1	1	1	4	3	0	6	1	2	1	5	28
<b>Kuhlman</b>													
Set	210	183	194	201	225	163	173	216	157	295	183	167	2,277
Reset	30	46	52	31	72	110	43	69	51	55	44	61	664
MJPT	0	2	1	1	3	2	3	2	5	4	3	4	30
<b>Christiansen</b>													
Set	196	188	203	180	231	174	201	217	178	224	188	139	2,319
Reset	37	85	47	28	54	66	39	54	27	49	35	43	564
MJPT	0	3	6	4	8	7	5	4	2	3	2	5	49
<b>Berling</b>													
Set	151	154	162	143	181	120	163	178	102	168	106	126	1,754
Reset	27	95	31	42	30	34	45	18	25	30	13	25	415
MJPT	0	1	0	0	3	2	1	0	1	0	0	0	8
<b>Schaefer</b>													
Set	173	179	215	157	200	183	155	202	183	242	201	152	2,242
Reset	31	33	31	80	33	53	59	34	53	62	29	44	542
MJPT	2	5	3	6	6	1	2	0	2	3	0	3	33
<b>Goulding</b>													
Set	199	180	207	181	248	193	199	214	168	234	190	185	2,398
Reset	72	62	53	59	44	46	75	50	45	38	20	27	591
MJPT	2	1	1	4	4	2	6	3	1	1	1	0	26
<b>Gorman</b>													
Set	188	153	189	183	201	190	185	166	152	175	149	144	2,075
Reset	28	20	26	28	20	55	24	34	23	88	35	63	444
MJPT	0	0	0	0	1	1	1	2	0	0	1	1	7
Total Set													15,038
Total Reset													3,536
Total MJPT													181

2008 Criminal/Traffic Pretrials:

2008 Total Pretrials Set: 13,775  
 Total Pretrials Reset: 2,581  
 Total Jury Pretrials: 144

2007 Criminal/Traffic Pretrials:

2007 Total Pretrials Set 15,038  
 Total Pretrials Reset: 3,536  
 Total Jury Pretrials: 181

2008 Totals of Traffic/Criminal sets, resets, pretrials, Pretrial resets, Jury trials and jury pretrials: 36,139

2007 Totals of Traffic/Criminal sets, resets, pretrials, Pretrial resets, Jury trials and jury pretrials: 40,354

### **Goals for 2009:**

In 2009, the office will continue to work with the Clerk's Office and NORIS on mutually beneficial projects, such as merging information systems and improving reports, assignment consolidations and notifications.

### **Staff Summary:**

The current staff consists of:

Karen E. Wood, Assignment Commissioner

Cheryl Smith, Senior Assignment Clerk

Joyce Straka, Assignment Clerk

Valerie Hobbs, Assignment Clerk

Wanda Butts, Assignment Clerk

Linda Hill, Assignment Clerk

Janet Hegedus, Assignment Clerk

Amy Wroblewski, Assignment Clerk

## CIVIL BAILIFF

Michael Kessler  
Assistant Chief Civil Bailiff

### **Department Description:**

The Civil Bailiff Department serves all legal documents of the Clerk of Court's Civil Branch as required by law. In many actions, the Ohio Revised Code and local court rules require a party to be served personally. The Civil Bailiff also files a return or disposition with the Clerk of Court's Civil Branch.

The Civil Bailiff Department provides valuable assistance to citizens who have obtained judgments by assisting them in enforcing their judgments through such means as wage garnishments, bank accounts attachments, and other personal property attachments allowed under civil law. Civil Bailiffs may also assist citizens by recovering personal property unlawfully held and conducting sales of judgment debtor's property to provide funds to satisfy monetary awards.

Court-ordered evictions are also personally supervised by the Civil Bailiffs. Statutory authority governs the duties of the Bailiffs, and most innovations are possible only through legislative change.

### **Accomplishments:**

In 2008, the Civil Bailiffs office continued to work cooperatively with the Division of Solid Waste and the Department of Neighborhoods to track when and where evictions are taking place. The benefit of this is to keep the community clean, while not violating the law that governs the defendant's rights.

The Civil Bailiffs office has participated in a study to identify ways to be more effective and responsive to the needs of the public. A focus group of Bailiffs, Court Administration, NORIS, and an outside consultant has been assembled to review the data collected from the study and to make recommendations to the Judges that will streamline the operation of the office. Once the operations are streamlined, the department's operational procedures will be computerized in conjunction with NORIS.

As a result of the study, the Judge's grace period for evictions has been reduced from five days to four days. This allows the department to schedule evictions in a timelier manner. Another recommendation from the study that has been put into place is the "Plaintiff's Notice," notifying the plaintiff that the bailiffs have received the writ, and when the judge's grace period ends. The notice also identifies which bailiff has been assigned to the case, with a contact number.

Another recommendation that is currently being implemented is the redistricting of the city to better balance the workload and to better utilize the current work force. The redistricting is using data provided by NORIS.

The bailiff's office has also implemented a time off policy that will limited the number of bailiffs that can be off at the same time, during the course of the year. This will allow management to better direct the workforce during peak vacation times.

The Civil Bailiffs are proud to provide efficient, professional service to the consuming public of the Toledo Municipal Court. The Department has provided exemplary service by handling public relations, telephone calls, and media contacts in a business-like manner. One way the Department's success can be measured is by comparing the number of Court orders successfully served against the total number of Court orders issued. The Department takes great pride that the service level exceeded 90% in 2008. Although the court's civil filings are down, we continue to work our cases with diligence and vigor.

The year brought the retirement of Deputy Bailiff Marion Cary. The Bailiffs Office would like to thank Marion for more than 34 years of service to the Municipal Court, with 21 years in the Bailiff's Office. Her skills and talents will be missed.

### **Goals for 2009:**

- Implement focus group recommendations
- Up grade the office furniture
- Implementing modern technologies to enhance Department efficiency
  - Computerized mapping services
  - Computerize Office Writ book
  - Computerize all District Log books
  - Office wide internal e-mail
  - Office wide external e-mail
- Training
  - LEADS certification for staff
  - Updated self-defense techniques
- Policy Development
  - Finalize Eviction procedures of mobile homes
  - Handling of prescription drugs found during Evictions

We look forward to meeting the needs of the Court and our community in 2009.

### **Staff Summary:**

The Civil Bailiff Department consists of the following staff:

Michael Kessler, Assistant Chief Bailiff

Dave Baz, Deputy Bailiff

Yvonne Harper, Deputy Bailiff

Butch Ritter, Deputy Bailiff

Diana Irish, Deputy Bailiff

Michael Isenberg, Deputy Bailiff

Mary Johnson, Deputy Bailiff

Ann Mauder, Deputy Bailiff

Tiffany Phenix, Deputy Bailiff

James Roman, Deputy Bailiff

Kevin Smith, Deputy Bailiff

**2008 CIVIL BAILIFF DEPARTMENT STATISTICS**

	<u><b>2008</b></u>	<u><b>2007</b></u>
Summons – Received	2,731	3,149
Summons – No Service	122	154
Proceeding in Aid – Received	1,550	2,414
Proceeding in Aid – No Service	773	1,074
Subpoenas – Received	351	628
Subpoenas – No Service	63	111
Bench Warrants – Received	98	162
Bench Warrants – Returned want of assistance	49	119
Bench Warrants – Outstanding	1	8
Garnishees – Respondents Served	6,265	6,953
Garnishees – Defendants Served	6,012	5,426
Garnishees – Mail Service (To notify Defendants on bank account attachments in accordance with federal law)	2,308	2,391
Garnishees – Foreign Service (Mail to Respondents outside of Lucas County)	844	658
Garnishees – No Service	253	211
Landlord Complaints	7,475	7,475
Landlord Complaints – No Service	239	164
Writ of Restitution Served	3,411	3,867
Returned for want of assistance	1,904	2,268
Returned for request of plaintiff	718	505
Cause to vacate	241	418
Evicted	560	676
Writ of Restitution – Mailed – 4 Day Notice	3,411	3,867
Plaintiff Notice served	781	0
Execution – Worked	222	365

	<u>2008</u>	<u>2007</u>
Replevin – Worked	6	2
Bailiff Sales Held	0	2
Total Legal Documents Processed	35,464	37,986
Money caused to be collected on Execution	\$178,684.53	\$377,134.86
Money caused to be collected on Bench Warrants	<u>\$ 22,353.95</u>	<u>\$74,879.85</u>
Total:	\$201,038.48	\$452,014.71

## COURT REPORTERS

Sandra J. Ackerman  
Chief Court Reporter

### **Department Description:**

The Court Reporters of the Toledo Municipal Court are responsible for the production of verbatim stenographic records of preliminary hearings and of all trials in the traffic, criminal and civil branches of the Court. We also provide records of motions, arraignments, sentencing, pleas and waivers, and cases processed by the Probation Department. It is also often necessary to retain the exhibits that may be introduced and admitted at trial until the appeal time of forty (40) days has expired. All stenographic notes, cassette tapes, CDs and exhibits are kept five years and then destroyed.

A Transcript of Proceedings is the finished product of the department. It is used either in further court proceedings, in civil lawsuits or in trials which are appealed. In cases which are appealed, the Court Reporters must follow specific rules as set forth by the Court of Appeals.

Each Judge, when in their own courtroom, has one jury day per week and there are generally five or six jury trials scheduled for that day. Should more than one of the cases be ready to proceed to a jury trial, the case with the oldest case number would take precedence and the other cases would then be rescheduled. Jury trials are usually concluded in a day's time. Generally a trial to the Court is requested rather than a jury trial.

### **Accomplishments:**

In September, Court Reporters Lori Hauenstein and Diana Ziegelhofer participated in a Realtime Seminar sponsored by The Ohio Judicial College. The seminar covered hardware and software issues, Realtime connections (including the newest Stenocast wireless), and wireless router options. These evolving technologies and new approaches to using them have expanded the concept of a Realtime transcript produced by Court Reporters.

There were ten juries seated in 2008 and thirteen jury trials in 2007. The following is a breakdown of the jury trials presided over by each respective Judge.

#### **2008**

Judge Amy J. Berling – None  
Judge Robert G. Christiansen – Oct.  
Judge Francis X. Gorman – June, Aug. (2)  
Judge Michael R. Goulding – July, Sept.  
Judge Timothy C. Kuhlman – Oct.  
Judge C. Allen McConnell – Feb.  
Judge Lynn H. Schaefer – Feb., April

#### **2007**

Judge Amy J. Berling – None  
Judge Robert G. Christiansen – Sept.  
Judge Francis X. Gorman – July, Oct.  
Judge Michael R. Goulding – Jan., Sept.  
Judge Timothy C. Kuhlman – Sept., Dec. (2)  
Judge C. Allen McConnell – Mar., Oct.  
Judge Lynn H. Schaefer – July, (2) Sept.

### **Goals for 2008:**

Our goal as Court Reporters in 2009 will be to continually update and integrate Court technology to improve and expedite our work and to ensure that our work is effective and accountable to the people we serve.

## **Staff Summary:**

There are seven Court Reporters at Toledo Municipal Court each assigned to their own Judge. The following is a breakdown of the Court Reporters according to seniority and the Judge to whom they are presently assigned:

- Sandra J. Ackerman, assigned to Judge Amy J. Berling
- Patricia Lindsey-Schmidlin, assigned to Timothy C. Kuhlman
- Kenneth P. Gallaher, assigned to Judge Francis X. Gorman
- Lori A. Hauenstein, assigned to Judge C. Allen McConnell
- Diana A. Ziegelhofer, assigned to Judge Lynn H. Schaefer
- Carol H. Thomas, assigned to Michael R. Goulding
- April Vickers, assigned to Judge Robert G. Christiansen.

On behalf of the Court Reporters, I would like to thank all Judges and court personnel for the continued assistance and support to our department.

## **LAW CLERK/BAILIFF**

Patricia Wardrop  
Chief Courtroom Bailiff

### **Department Description**

The Law Clerk/Bailiff Department is comprised of seven full-time employees, each assigned to an individual Judge of the Toledo Municipal Court, plus one additional employee who is responsible to all of the Judges for research, bond reports and courtroom coverage as needed. The Law Clerk/Bailiff works closely in and out of the courtroom with their respective Judge, and solely at that Judge's discretion.

### **Services Provided**

Duties of each Law Clerk/Bailiff vary from Judge to Judge. In the courtroom, each Law Clerk/Bailiff organizes and coordinates the daily docket to ensure efficiency. This might include calling cases, reading affidavits to the Judge or to a defendant, posting entries, communicating with prosecutors, public defenders, defense attorneys, witnesses, jurors, departments within the Municipal Court, and the general public, and working with deputy sheriffs when a defendant is in custody.

Another responsibility includes the keeping of records of assigned cases as required by the Ohio Supreme Court Rules of Superintendence. These records are submitted to the Ohio Supreme Court every month. This report includes statistics of cases that are assigned to each Judge for trial. The monthly report also categorizes cases by case type (e.g., traffic, criminal, civil, etc.) and how each case is terminated (e.g., no contest plea, dismissal, unavailability of defendant, etc.). The Ohio Supreme Court Individual Judge monthly report does not reflect cases that are terminated prior to the setting for trial. In three weeks of a seven-week rotation, the Judges' dockets are devoted to resolving cases at the arraignment, preliminary hearing or pretrial stages. The other four weeks are reserved for trials.

In an average trial week, the Judges may individually resolve 55 to 95 criminal and traffic cases that are set for trial, 10 to 25 criminal and traffic cases that are set for pre-trial and 10 to 25 civil cases set for trial.

In 2008, in accordance with the Ohio Supreme Court's directives, the Law Clerks conducted the seventh 'rolling inventory' of assigned pending cases. The rolling inventory was conducted over a period of two weeks, with each Judge's inventory being executed on a specific assigned date by that Judge's Law Clerk. For the second time, the inventory was completed using a laptop computer and a case scanning gun. This method of inventory was very efficient, requiring only the Judge's Law Clerk, and a second Law Clerk to create an electronic record of cases inventoried as pending. The Law Clerk then compares the records from the physical inventory to their individual records to reconcile a precise count of the current assigned pending cases for each Judge.

### **Goals for 2009:**

In 2009, the Law Clerks strive for continuous improvement to ensure efficiency and organization in the handling of courtroom dockets. For two of the Court's Judges, the 2009 inventory will be done alongside an experimental program with NORIS in an attempt to further improve the accuracy and efficiency of case reporting. The Law Clerks look forward to working together in the upcoming year to provide invaluable assistance to all seven Municipal Court Judges, as well as to the public at-large.

## **Staff Summary:**

In 2008, the Law Clerk/Bailiffs welcomed one new Law Clerk into their department, Bridget Connelly with Judge Kuhlman.

## **CITIZENS DISPUTE SETTLEMENT PROGRAM**

James Petas  
Senior Mediator

### **Department Description**

The Citizens Dispute Settlement Program (CDSP) of the Toledo Municipal Court provides the people of Toledo an alternative means of resolving disputes. By using mediation, counseling techniques, and conciliation, citizens are empowered to settle disputes that would otherwise be included in the traditional court system.

Mediation is an effective means for resolving disputes. With the help of a neutral third party, participants often reach mutually accepted agreements. In mediation, avenues of communication are opened which permit the participants to more clearly understand themselves, each other, and the situation. Since the participants themselves craft these agreements, there is a greater likelihood that the agreement will be successfully implemented. The mediation process is especially helpful when the participants have an ongoing relationship such as family members, friends, neighbors, or business associates.

### **Services Provided**

The staff members of CDSP conduct mediations. Mediations are also conducted by volunteer attorneys from the Toledo Bar Association who have been trained as mediators. Students from the University of Toledo Law School's Alternative Dispute Resolution class also conduct small claims mediations.

Cases referred involve misdemeanor behavior such as menacing, criminal damaging, disturbing the peace and theft. These cases can be referred at any point, including before any charges are filed, at a pre-trial conference or even at trial.

Civil cases are referred to mediation by the assigned judge or may be requested by the parties themselves or their attorneys.

Rent Escrow cases are also screened first for mediation. If the dispute is resolved through mediation, the escrowed rent is released. If the case is not resolved or if the mediation agreement is not successfully implemented, the case is continued to the Housing Court Magistrate's docket.

"Same Day" Mediation for small claims cases was initiated in October 1994. As individuals appear for their scheduled Small Claims hearing, they are presented the option of mediating their dispute that same day. If both parties agree, "Same Day" mediation is conducted rather than the parties appearing before the magistrate. If a resolution is not reached through mediation, the magistrate hears the case that day as scheduled.

The Check Resolution Service was instituted in October 1993. Individuals or businesses wishing to file a criminal charge for bad checks are referred to the Check Resolution Service before charges are filed. A \$15.00 filing fee per each endorser (check-writer) is paid by the complainant. The endorser is notified of the complaint and a mediation date is scheduled between the endorser and complainant. At the mediation the endorser has the opportunity to reimburse the complainant the amount of the check plus the \$15 filing fee. If the Check Resolution Service is not successful in resolving the matter, the complainant is referred to the bad check squad of the Toledo Police Department. Check Resolution Service has a sub-component, Collection Mediation Program, which assists businesses in collecting bad debt that is not in check form. The procedure follows the same method used in Check Resolution and requires a \$15.00 registration fee.

**Accomplishments:**

In 2008, the Citizens Dispute Settlement Program remained committed to providing the Toledo Municipal Court and community with excellence in mediation. This goal is reached through the Court’s and CDSP’s commitment to improvement and quality. In 2008, CDSP accomplished the following:

- CDS staff attended mediation training through the Supreme Court of Ohio’s Judicial College.
- Began work on implementing software for the Collection Mediation Program.
- Toledo Bar Association’s ADR/CDS committee put on a successful mediation seminar in conjunction the University of Toledo Law School; featuring Nancy Rogers, then acting attorney general & now current Dean of the Ohio State University Law School.
- Completed instillation of the Check Resolution Program software. The system is projected to reduce administrative/scheduling time by 50%.
- Senior Mediator James Petas joined the board of the Ohio Mediation Association.

CDSP and The University of Toledo College of Law continue to work together through the civil mediation internship program. Citizens Dispute also conducts training for graduating Toledo Police Officers and county emergency operators to educate them on the dynamics of mediation and how to access the service.

Statistics for 2008, with statistics from 2007 for comparison, are provided below.

<b><u>Type of Case</u></b>	<b><u>2007</u></b>	<b><u>2008</u></b>
	<b>Success Rate</b>	
Civil cases:	67%	71%
Adjudicated:	60%	80%
Pre-Adjudicated:	91%	91%
Housing:	74%	79%
Small Claims:	63%	54%

<b><u>Dispute Resolution- Case Types Referred</u></b>	<b><u>2007</u></b>	<b><u>2008</u></b>
Assault	78	117
Menacing	112	123
Criminal Damage	53	54
Theft	39	35
Harassment	22	16
Neighborhood Dispute	16	16
Telephone Harassment	24	29
Criminal Trespassing	7	7
Landlord/Tenant	24	26
Stalking	2	6
Other	63	54
<b><u>Civil Case Mediation Results</u></b>	<b><u>2007</u></b>	<b><u>2008</u></b>
Total Referred	117	98
Mediation: Agreement	62	47
No Agreement	30	19
CDSP involvement/No mediation	15	21
Pending	10	11
Mediation Agreement %	67%	71%
<b><u>Adjudicated Case Mediation Results</u></b>	<b><u>2007</u></b>	<b><u>2008</u></b>
Total Referred	72	80
Mediation: Agreement	26	49
No agreement	17	12
FTA to Notice	2	2
CDSP involvement/No mediation	17	7
Pending	10	10
Mediation Agreement %	60%	80%
<b><u>Pre-Adjudicated Mediations</u></b>	<b><u>2007</u></b>	<b><u>2008</u></b>
Total referred	380	403
Mediation: Agreement	135	167
No agreement	13	16
FTA to notice	128	105
CDSP involvement/No mediation	62	85
Make File Only	34	24
Pending	8	6
Mediation Agreement %	91%	91%
<b><u>Housing Mediations</u></b>	<b><u>2007</u></b>	<b><u>2008</u></b>
Total referred	105	65
Mediation: Agreement	48	37
No agreement	17	10
FTA to notice	6	5
CDSP involvement/No mediation	21	13
Pending	3	0
Mediation Agreement %	74%	79%

<b><u>Small Claims/Same Day Mediation</u></b>	<b><u>2007</u></b>	<b><u>2008</u></b>
Total referred	115	106
Mediation: Agreement	72	66
No agreement	43	40
Mediation Agreement %	63%	62%

<b><u>Check Resolution Mediations (CRS)</u></b>	<b><u>2007</u></b>	<b><u>2008</u></b>
Total referred	2,250	2,043
Funds generated	\$32,397	\$30,645
Collection Mediations	3	6

<b><u>Total number of cases referred</u></b> <b>(Minus CRS)</b>	789	752
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### **Goals for 2009**

Through additional mediation education, Citizen's Dispute will improve and continue to provide professional mediation services. CDSP hopes to educate court users and the public on the positive impact of mediation along with seeking additional opportunities in the court process to mediate. In the Fall of 2009, CDSP and the Alternative Dispute Resolution/Citizens Dispute Settlement Committee of the Toledo Bar Association plan to offer a Federal Court Mediation Seminar. Of the hundreds of post mediation evaluations collected, 89% were happy with the mediation process and would recommend it to others. The department remains committed to making mediation more available and user friendly to the Court and its users.

### **Staff Summary**

The Citizen Dispute Staff consists of Senior Mediator James Petas, Mediators Bonnie Schrock and Susan Monro (who job share one position) and Intake Secretary Susan Padilla.

## **PROBATION DEPARTMENT**

Kim E. Oats  
Chief Probation Officer

### **Department Description**

Probation is a court-imposed sanction that “releases a convicted offender into the community under a conditional suspended sentence”. The Toledo Municipal Probation Department exists under the authority of the Toledo Municipal Court Judges. The mission of the Probation Department “is to serve, in a professional manner, the Court, the community and defendants in the areas of investigation, rehabilitation and behavior monitoring.”

Unlike other divisions of the court, Probation provides services beyond the jurisdiction of the court. The Alternatives Program and the Intensive Supervision Program are available to any resident of our general area that needs to complete such a program under court order. Other courts in Ohio have made referrals to these programs.

The overall management of the department rests with Chief Probation Officer Kim E. Oats. Daily operation and coordination of the Units falls to the Assistant Chief Probation Officer Tammy M. Harris. The Chief is a member of the Ohio Chief Probation Officers Association and the National Association of Probation Executives.

The probation department is structured into three units of Probation Officers. The units are the Pre-Sentence Investigation Unit which is supervised by Laura Berling; the Supervision Unit, supervised by Randolph Nelson; and the Specialized Services Unit supervised by Eddie Norrils. The unit supervisors also supervise the License Intervention Specialist and the Intake Clerk.

### **Services Provided**

The Probation Department provides several services to the court in handling criminal and traffic cases. The department is responsible for providing a pre-sentence report that includes background information on a defendant and information about his/her offense. The Court, in determining appropriate sentencing, uses this information. Probation becomes involved in requests for restitution, drug testing, competency evaluations, electronic monitoring, intensive supervision, community service, alternative programs, remedial driving education, and Work Release referrals.

The department also serves as a rehabilitative arm of the court. A major effort in this regard is made through the court imposing a term of probation as part of a sentence. When probation is ordered, a treatment plan is developed and a probation officer monitors the defendant's behavior for compliance with that plan. Plans may include treatment of alcohol or drug abuse, psychological counseling, restitution, drug testing, obtaining a driver's license, or other conditions.

Probation Officers are organized into three units: Special Services, Pre-sentence Investigations, and Supervision. Within each unit, the officers serve as backup for each other to allow for ongoing operation of all programs. In the event that coverage is not adequate, the Unit Supervisor also serves as backup to the positions within the unit.

Unit Supervisor Eddie Norrils supervises those probation officers assigned to the Special Services unit. One of the special programs in the probation department is the Alternatives Program.

The Alternatives Program provides a diversion option to criminal first offenders through an educational program. Probation Officers Lori Donovan and Jodi Packard handle referrals for the Alternatives Program and facilitate the group sessions.

Mr. Norrils' also supervises Mark Klapper, the Probation Officer assigned to the Intensive Supervision Program (ISP). The Intensive Supervision Program Officer is a specialized assignment that is funded by a grant from the State of Ohio, Bureau of Community Sanctions. ISP is intended to divert offenders who are serving long sentences at CCNO. The program must meet standards set by the Community Corrections Act and is audited yearly by the state regarding compliance. Fiscal Year 2008 was audited on February 2, 2009 and received a compliance score of 100%.

Jennifer Friddell is the Community Service Probation Program (CSPP) Officer and also monitors Electronic Monitoring. Mrs. Friddell is supervised by Mr. Norrils. The CSPP program addresses the needs of the court, the community, and the defendant by providing defendants an opportunity to do community service work in lieu of fines or jail time. Mr. Norrils also supervises two supervision officers, Gary Colton and Theresa Braddy.

Laura Berling supervises the Pre-sentence Investigation Unit. Probation Officers assigned to this unit are Charlie Pfeifer, Cathy Freeh, and Sean O'Conner. There is currently one probation officer vacancy in that unit due to the promotion of Ms. Berling to Unit Supervisor. The Pre-sentence Investigation Unit is responsible for completing all PSI's referred to the department, complete record checks ordered by the court and make all referrals for competency evaluations.

In addition to the above officers, Mrs. Berling also supervises Lisa Palm-Kuebler, the License Intervention Specialist. Lisa monitors the License Intervention Program (LIP) which services those individuals who are in need of limited driving privileges, reinstatement fee payment plans, immobilization or release of vehicles, information on the restoration of suspended license, information on remedial driving courses, and informing the court on the status of a defendants' driver's license.

Also supervised by Mrs. Berling is the Intake Clerk, Shirley Goodar. Ms. Goodar assists the department by signing up all inactive probation cases as well as acts as a back up in the absence of the License Intervention Specialist.

The Supervision Unit is the third unit in the Probation Department. Unit Supervisor Randolph Nelson supervises Probation Officers Anthony Bouyer, Kerry Konzen, Megan Stevens, Mark Steude and Markus Whitehead. Each officer is assigned all active probation cases referred to the department. Currently each officer supervises an excess of 400 cases, a reduction of approximately 100 cases per officer from FY07.

The Support Services Unit provides secretarial and clerical support for the department. Barbara Cameron is the Administrative Secretary and supervises the clerical staff. Probation Secretaries within the department are Mary Baker, Idell Daniels, Darlene Jimenez, Martha Grabarkiewicz, Joan Kelly, and Valerie Waggoner.

The Probation Department experienced some changes in staff in the past year. Joe Moran retired from service on December 19, 2008. On December 22, 2008, Laura Berling was promoted to Unit Supervisor to replace Mr. Moran. Probation Secretary Joan Kelly joined the department July 21, 2008 following the retirement of Chris Sheppard. Mrs. Sheppard retired in February, 2008.

## Accomplishments

The department experienced two major changes this past year, single judge assignment, and the reporting kiosk. When the court adopted the procedure of single judge assignment not all cases currently on probation were automatically converted to a Link Judge. The department underwent some training on single judge assignment and the assignment of link judges and quickly adapted to the changes.

The reporting kiosk is a supervision tool that is used to assist officers in monitoring low level offenders. It was developed exclusively for the probation department by NORIS. The kiosk allows offenders to report monthly, leave messages for their probation officers, retrieve messages and pay their restitution. Currently there are more than 280 offenders sign up to use the kiosk.

NORIS has also developed a Simple Messaging System (SMS). This is a system by which offenders can send a text message to a designated telephone number and retrieve information regarding their probation officers name, their next appointment or court date, and how much restitution they owe.

Additional developments that are still under way include the use of Radio Frequency Identification (RFID). This is a system by which small tags are placed inside probation folders so that they can be located anywhere within the court. We are still researching RFID and hope to be moving forward with that in 2009.

The department has utilized probation fees to send officers to various trainings and conferences. During the past year, the probation staff has accumulated 400 training hours. Supervisors, officers and secretaries attended office training and probation training in the areas of Probation Security, Changing Offender Behaviors, Bridges to Poverty, Dual Diagnosis, Drug Identification, Domestic Violence, and Managing Personnel, Managing Emotions in the Workplace, Clinical Supervision, Performance Evaluations, Single Judge Assignment, and Clinical Issues in Recovery.

Additional use of probation fees includes the use of temporary clerical staff.

### Goals for 2009:

1. **Revise the probation department policies and procedures.** Since the probation department units were restructured in 2007 policies and procedures must be revised to coincide with the changes in how cases are assigned and monitored as well as how the new processes affect personnel.
2. **Implement a system for tracking Probation files.** Currently the probation staff track over 7000 files at any one time. With cases opening, closing, and going to court the task can get somewhat overwhelming. The department will continue to research and hopefully bid out a contract for a RFID system that will assist in the efficiency of locating files.
3. **Investigate and implement effective means to reduce supervision caseloads.** With the use of the kiosk and the implementation of single judge assignment caseloads continue to decrease. However, the department must now begin to research methods to effectively monitor and affect offender behavior. Research continues in this area.

**Staff Summary:**

As of December 31, 2008 there are 29 staff positions in the Probation Department: the Chief Probation Officer, Assistant Chief Probation Officer, 3 Unit Supervisors, 1 Administrative Secretary, 14 Probation Officers, 6 Probation Secretaries, the Scheduling/Intake Clerk, and the License Intervention Specialist. The Department also has one Probation Officer vacancy.

## STATISTICAL REPORT

**INTAKE SERVICES:** 2007 2008

\*Cases Referred to Probation:

Traffic	6283	5806
Criminal	7155	7191
Other Area Courts	<u>88</u>	<u>46</u>
Total	13,526	13,043

Defendants Placed on Probation	5,620	5608
Released/Terminated	5,342	3689
Court Reviews	1,235	1,578

Pre-sentence Referrals Requested	5,736	1,288
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Offenders on Probation

Active Probation	2,690	4,689
Inactive Probation	<u>2,930</u>	<u>3,885</u>
Total Probation	5,620	8,574

**SPECIAL SERVICES:**

<b>EMU REFERRALS</b>	381	357
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**CSPP PROGRAM**

Total CSPP Referrals	1,108	1,147
Insurance Fees Collected on CSPP Cases	\$6,409	\$5,860

Total CSPP Hours Ordered*	60,737	53,634
Total CSPP Hours Completed*	13,532	16,093

\*Some offenders may have more than one case referred to probation

**ALTERNATIVES PROGRAM:**

	<u>2007</u>	<u>2008</u>
Total cases processed	1180	477
Unsuccessful	318	153
Sealed (Successful)	515	124
Carried into next year	347	200

**RED/IMMOBILIZATION PROGRAM:**

Immobilizations	177	262
Releases	271	172
RED Referrals	1110	867
Valid Licenses Obtained	238	201

**DISTRICT COURT SERVICES PROGRAM:**

## Referrals To Alternative Program

Bowling Green	0	1
Sylvania	14	6
Maumee	7	0
Oregon	0	0
Perrysburg	<u>45</u>	<u>29</u>
Total	66	36

**FINANICAL INFORMATION**

	<u>2007</u>	<u>2008</u>
Restitution	\$84,412.96	\$90,203.69
* Surcharge	<u>\$ 3283.10</u>	<u>\$ 4949.63</u>
	\$87,696.06	\$95,153.32

## ENVIRONMENTAL COURT

Judge C. Allen McConnell  
Housing Court

### **Court Description:**

The Toledo Municipal Housing & Environmental Court was created pursuant to legislation enacted on January 27, 1987, by the General Assembly. Toledo is one of three Housing Courts in the State of Ohio and its purpose is to consolidate all housing matters into one court covered on the docket of one Judge.

On January 6, 2000, Judge C. Allen McConnell was sworn-in as the Housing and Environmental Court Judge to fill the vacancy created by the retirement of Judge Roger R. Weiher. Judge McConnell was sworn-in for his second term commencing January 1, 2006.

In addition to the Housing Court docket, the Housing Court Judge also handles a proportionate share of the regular criminal and traffic docket. He and the six other Judges rotate, serving one week in each of the three mandatory courts: misdemeanor arraignments, felony arraignments, and duties. Duties is a catch-all court handling all prosecutor pre-trials scheduled that week; any misdemeanor matter unassigned such as, defendants who turn themselves in because a bench warrant had been issued for them; people who want to marry; issuing search warrants, etc.

The Environmental Court has both civil and criminal dockets. The civil docket includes matters involving landlord-tenant disputes known as Forcible Entry and Detainer actions (FEDs), rent escrows under Chapters 1923 and 5321 of the Ohio Revised Code, any civil actions filed by the City of Toledo for a temporary restraining order to abate a nuisance, receivership appointments to abate a nuisance and motions for stays of eviction or temporary restraining orders.

The Housing Magistrate selectively refers rent escrow cases with allegations of unfit condition to the Housing Specialists for inspection and report. If the tenant vacates during this process, the property owner may be ordered not to re-rent the unit until these conditions are corrected. Generally, Chapter 17 of the Toledo Municipal Code (The Health Code) is used as the basis for inspection. In referred cases, the Housing Specialists assists the property owner in establishing timeframes for correction of violations. The Housing Specialist performs re-inspections and reports to the Court when code compliance has been reached.

In 2005, the Judges voted to authorize the Civil Legal Assistance Services provided by Legal Aid of Western Ohio, Inc. The primary focus of the CLAS Program is eviction defense and consumer law. Two fulltime attorneys and one paralegal staff the office. The CLAS Office is located in the Toledo Municipal Court, 2<sup>nd</sup> floor, Room 202.

The criminal docket of the Environmental Court hears cases involving alleged violations of the Toledo Municipal Code Chapters 11, 13, 15 and 17 (Planning and Zoning, Building, Fire Prevention, and Health Codes). Defendants appear before the Court after charges have been brought by the City Health, Neighborhoods, and Inspection Departments seeking to enforce zoning, building, health, safety, and nuisance abatement codes. In addition, house stripping, fire prevention, dumping, littering, smoking violations, fishing violations, watercraft violations and manufactured homes pursuant to new legislation codes (R.. C. 1923.02).

The principal objective of the Environmental Court is to achieve compliance with the Code. A defendant is expected to enter a plea at the arraignment stage of the proceeding. If the condition can be corrected in a short time, sentencing may be reserved and the case continued for a reasonable period of time to allow the defendant to do what is necessary to comply with the Code.

Arraignments are set for Wednesday. Continuances for compliance and prosecutor pre-trials are set for Wednesday and Thursday afternoons. The Housing Court Judge has criminal trials scheduled on the Friday docket; civil trials are scheduled on Mondays and some Tuesdays; and jury trials are scheduled on Thursdays.

### **Accomplishments:**

During the year of 2008, there were many defendants that did not appear in Court for their arraignment. In some cases the defendants have not been served with a copy of the complaint and in others, the defendants simply refuse to appear. Bench warrants are issued for those that fail to appear and are subject to apprehension by the Toledo Police Department.

The following is a breakdown of Housing Court Bench Warrants for the last two years:

<u>Year</u>	<u>Warrants</u>
2008	1,315
2007	1,314

In an effort to reduce the number of active bench warrants, Judge C. Allen McConnell implemented a new docket for corporations that have previously failed to appear. The first docket, referred to as "Trials in Absentia" or "TIA," was held on Thursday, November 20, 2008. The statutory agents of the corporations are notified to appear at the TIA. If they failed to appear, prosecution against the defendant proceeds in absentia. The Clerk of Courts enters a plea of Not Guilty on their behalf. If the Court finds the defendant Guilty, the Court may enter such a finding and proceed to sentencing. Should the defendant appear and plead Not Guilty, the Court will either proceed to trial on that date, or conduct an immediate pretrial. The Toledo Municipal Housing and Environmental Court will continue to hold periodic TIA dockets throughout 2009.

The Housing Court Judge currently has a Senior Housing Specialist and two Housing Specialists on staff. The Housing Specialists in criminal and civil matters is to assist the home owner in bringing nuisance abatement cases into full compliance as directed by the Housing Court Judge. The Housing Specialists also serve as mediator in landlord-tenant and rent escrow disputes. The Senior Housing Specialist classification was established on April 15, 2002. Mrs. Gwen J. Wyse holds this position. Mrs. Wyse began employment with the Court in 1995 as a Housing Specialist. She previously worked for a community development corporation with a background in community networking, housing rehabilitation and client rapport. Mrs. Wyse holds a Home Improvement and Remodeling Contractor-A License.

The Senior Housing Specialist supervises and manages the activities of the Housing Specialists, oversees Housing Court programs, performs public relations duties and maintains a community control docket of Housing Court defendants.

Housing Specialist Barbara Falls' employment with the Housing Court began in October of 2000. Ms. Falls brings with her over four years of public housing management experience and six years of private housing management experience. She is a certified Public Housing Manager.

Housing Specialist Larry A. Cardwell began employment with the Housing Court on May 20, 2007. Mr. Cardwell's background includes over twenty years of working in the criminal justice system and over ten years of administrative and management experience in the private housing sector.

The policy of the Housing Court Judge is to impose fines and costs in all cases in which full compliance has been achieved-even if there is full compliance at first appearance for arraignment. This policy was put in place to enable the City to recover costs expended to bring the case to Court due to the defendant's failure to comply within the regulation time. Larger fines and costs are imposed if the case is delayed by the defendant. Incarceration or electronic monitoring maybe imposed if the defendant is stalling or abusing the process. If convicted of illegal dumping or house stripping, jail time is mandatory.

Effective January 1, 2004, courts are authorized to impose sentences to include community control sanctions or a combination of sanctions as an alternative sentence under Ohio Revised Code §§2929.26, 2929.27 or 2929.28. If an offender violates any of the conditions of the sanctions, the court may review and amend sentencing to include a longer time period under the same sanction, or a combination of sanctions, including a jail term.

The Community Control Program gives Housing Court defendants the opportunity to correct housing violations in cooperation with Housing Court personnel. Alternative sentencing programs work through mutual cooperation, and participants must be mindful that the Court can impose the original sentence if the participant fails to meet his or her obligations as directed.

The Housing Court entered into its 8<sup>th</sup> successful year administrating the Code Violation Abatement Program (CVAP). Since the program's inception, the CVAP has used its Community Development Block Grant (CDBG) funds to assist over one hundred and fifty homeowners in abating public nuisances and prolonging the life of their homes. CVAP partnered funds with other community assistance organizations whenever possible, seeking to make the greatest impact possible.

In keeping with the on-going education requirements of the CDBG-funded CVAP program, Senior Housing Specialist Gwen Wyse and Housing Specialist Barbara Falls attended a course in February 2008, "Intro to Healthy Homes," offered by the NeighborWorks Training Institute.

The Housing Specialists participated in a city-wide clean-up on March 29, 2008. This community effort was sponsored by both the City of Toledo and Keep Toledo/Lucas County Beautiful.

On April 19, 2008, the Toledo Municipal Housing Court participated in the city-wide "Great American Clean-up". The Housing Specialists worked with youth from the Chance for Change, focusing their beautification efforts on 22<sup>nd</sup> Street near Woodruff.

During National AmeriCorps Week, on May 13, 2008, the Toledo Municipal Housing Court partnered with AmeriCorps in a Community Care Clean Up. The 1100 block of Lincoln Avenue, within the Englewood Historic District, was targeted for this intensive clean-up and planting. The Housing Court provided food and refreshments for all participants.

The Housing Court participated in the Area Office on Aging of NW Ohio, Inc. Annual Senior Citizen's Day Program at the Tam O'Shanter Exhibition Center on May 20, 2008. As an exhibitor, the Housing Court distributed informational brochures on housing issues, gardening supplies, seeds, clean-up supplies and small home improvement tools. Thousands of senior citizens attended the event.

The Toledo Municipal Housing Court sponsored a neighborhood clean-up on October 4, 2008 at the Eleanor Kahle Senior Center, partnering with AmeriCorps. This “Fall Beautification” event included neighborhood clean-up and give-aways including mums, smoke detectors and informative literature. A home weatherization demonstration was also performed. Food and refreshments were provided to all.

On October 25, 2008, the Toledo Municipal Court Housing Specialists participated in a city-wide clean-up event, volunteering at the Bancroft Hills Neighborhood.

### **MISSION STATEMENT**

The mission of the Toledo Municipal Housing and Environmental Court is to provide a fair and efficient forum for litigants involved in housing matters. The Housing and Environmental Court seeks to educate the community about housing issues and link homeowners with appropriate agencies in order to promote neighborhood health and safety in the City of Toledo.

### **VISION STATEMENT**

- Lead the way in developing innovative and effective solutions for housing court litigants
- Link homeowners, tenants and landlords to community resources to maintain safe homes for our citizens
- Foster partnerships with community organizations and governmental entities for continued improvement of available housing

### **Goals for 2009:**

In 2009, the Housing and Environmental Court will continue to improve the quality of life for residents in the Court’s jurisdiction. This effort will assist in the preservation and restoration of our neighborhoods.

### **Staff Summary:**

The 2008 Housing Court staff consists of Judge C. Allen McConnell, Magistrate Alan J. Michalak, backup Magistrates James E. Morgan, Rebecca K. Ligibel, and Nicole Y. Fech, Senior Housing Specialist Gwen J. Wyse, Housing Specialists Barbara Falls and Larry A. Cardwell, Court Reporter Lori Hauenstein, Deputy Steve Karam, Law Clerk James Anderson and Judges’ Secretary Judy Heslet.