



TOLEDO MUNICIPAL COURT

ANNUAL REPORT 2010

TOLEDO MUNICIPAL COURT

555 N. Erie Street
Toledo, Ohio 43604

MICHAEL R. GOULDING
Presiding Judge

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April 15, 2011

TO: The City Council, Toledo, Ohio

Lucas County Commissioners, Lucas County, Ohio

The Citizens of Toledo, Ottawa Hills, and Washington Township

On behalf of the Toledo Municipal Court, I am pleased to present to you our annual 2010 report as required by statute. I hope you find the information contained herein educational and informative.

As a member of the Third Branch of our constitutional system of government, we are acutely aware of the trust and responsibility placed upon us by the citizens we serve in the Toledo area. It is an honor to serve the public. We continue to work cordially and constructively with Mayor Bell, the members of Toledo City Council, Lucas County officials, and representatives from Washington Township, the Village of Ottawa Hills, and all other authorities.

As a branch of government, we are also cognizant of our responsibility to serve the community while implementing policies and procedures designed to consolidate services and cut costs. In these difficult budgetary times for all branches of government, we continue to 'do more with less,' while seeking to maintain a level of service commensurate with our duties. We have consistently worked within a budget which has not allowed for added expenditure.

On behalf of the judges of our court, I welcome you to review the enclosed information and contact us with any questions or concerns.

Respectfully,

Michael R. Goulding
Presiding Judge

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COURT ADMINISTRATOR'S OFFICE

C. Lisa Falgiano
Acting 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 execution of overall court operations. In addition, while the Court Administrator's Office is not involved in daily judicial courtroom operations, the Office does assist the bench in strategic planning for the Court.

The Court Administrator's staff has a myriad of responsibilities, including budget preparation and fiscal administration, technology management, personnel administration, policy development and implementation; statistical data collection and analysis; purchasing; and liaison with the practicing bar, the public, governmental agencies, city divisions, and criminal justice agencies.

The Court Administrator reports directly to the seven Judges and is responsible for general supervision of the Judges' Division Departments. The Court Administrator also serves as staff for the monthly Judges' Meetings and acts as the division Equal Opportunity/Affirmative Action Officer.

Under Rules 3 and 4 of the Rules of Superintendence for the Courts of Ohio, the Judges select by majority vote a Presiding/Administrative Judge. The Court Administrator works especially closely with the Presiding/Administrative Judge. Judge Timothy C. Kuhlman was elected Presiding and Administrative Judge for his fourth one-year term beginning January 1, 2010.

Year in Review.

The year 2010 was a year of transition for the Court. In the first quarter of the year, the Court experienced seven retirements: the Court Administrator, the Chief Court Reporter, two Judges' Secretaries, a Probation Officer, a Civil Bailiff and an Assignment Clerk. In addition, the Court accepted three resignations: the Administrative Business Officer, a Probation Officer and a Judges' Secretary (job-share partner). As a result, the Court Administrator's Office (CAO) facilitated the hiring for six positions during the course of the year.

The Court, cognizant of the City's \$40 million dollar plus deficient, committed to leaving 10 open positions unfilled during the calendar year, resulting in salary savings of \$655,952 for 2010. In addition, the Court agreed to pay for the Court Addiction Diversion Program from a surplus in the Indigent Drug and Alcohol Treatment Fund, saving the Public Safety Director's budget \$135,000. Finally, the Court realized a \$247,000 credit in 2010 for 2009 budget savings under the Court security contract. Budget management and purchasing were especially challenging this year as the City migrated to a new financial system. The Court was unable to expend money for nearly six weeks during the transition. After the transition, the Court was faced with, and overcame, a number of challenges, particularly with processing expenditures associated with grants.

In 2009, the Judges voted to be one of the first Courts in Ohio to implement CourTools. CourTools is a system of performance measures developed by the National Center for State Courts. CourTools provides the potential to measure the Court's effectiveness from multiple perspectives. In 2010, the Judges' Division and

the Clerk of Court began implementation of this pilot project, and finished work on Measures 2 (Clearance Rates), 3 (Time to Disposition), 4 (Age of Active Pending Caseload), and 5 (Trial Date Certainty). The Court also completed significant work on Measure 1 (Access and Fairness). As part of this measure, graduate students from the University of Toledo surveyed all court users on November 16 as they left the courthouse and collected 342 surveys. Court users, including witnesses, plaintiffs, defendants, their families, attorneys, law enforcement, victim advocates, and agency staff were asked to complete a survey that measured the respondent's Court experience in terms of Access and Fairness. As the year drew to a close, survey results were under analysis by both the University of Toledo as well as the National Center for State Courts.

Year in Review: Technology.

The Court continued to leverage technology to improve court operations and enhance efficiency and cost-effectiveness. In 2010, Judge Berling moved her courtroom to digital recording. This is the Court's fifth system to digitally record Court proceedings. In addition to the ability to record and efficiently manage these recordings, this state-of-the-art system allows a party or witness to a case to appear via video from virtually any location in the world that supports video conferencing. The system also supports the presentation of computer-based evidence (video and audio recordings, attorney presentations, etc.). Large flat screen TV monitors provide for excellent viewing regardless of the viewer's position in the courtroom. Finally, as proceedings occur, the system is used to insert a case marker for each case held on a particular day. This permits for the location and playback of particular cases or points in a case quickly and easily.

Judge Gorman now has a member of the Clerk of Court staff stationed in his courtroom to perform real time data updates to Court records. The Court's journal is now being updated in nearly real-time.

Judge Kuhlman, in coordination with the Legal Subcommittee of the Northwest Ohio Re-entry Project, began conducting a special docket comprised of residents of the Toledo Correctional Institution (ToCI) who are drawing close to their release date. Residents appear via a video connection from ToCI to resolve or address pending Toledo Municipal Court cases or pending fines and costs. As 2010 drew to a close, the Legal Subcommittee, who recognized this successful collaboration with an award, was hoping to translate TMC's success to outlying area courts.

In 2010, the Court began planning to refresh computer equipment for staff. The hardware updates will cross calendar years and be completed in 2011. In 2010, the Court migrated approximately 85% of its personnel to the latest Terminal Server-based computing environment. This version provides a more secure and more powerful computing environment for Court employees. In addition, a state-of-the-art digital dictation system was installed for the Judges and administrative staff. The system permits a user the capacity to perform unlimited dictation and upload dictation work to the network for immediate transcription.

Year In Review: Professional Development.

Despite the staffing transitions and shortages, the Court was able to conduct or coordinate an impressive number of professional development opportunities for staff. Court staff was joined by Clerk of Court staff for Prevention of Discrimination and Harassment Training. The training, which was provided by attorney Kimberly Vanover Riley, was videotaped in order to be used for future training needs. Management staff from both the Judges' Division and the Clerk's Office participated in "Effective Management in Creating a Healthy Work Environment" and the webinar "Conducting Workplace Investigations." As the Court began working on the CourTools pilot project, several Judges and senior staff attended the Ohio Supreme Court's

“CourTools: Their Purpose and Application.” Finally, the Court coordinated and hosted two trainings that were open to the local criminal justice community. The first training was facilitated by the National Alliance on Mental Illness and was entitled “Working with People with Mental Illness in the Criminal Justice System, Jail, and Court Personnel.” Toledo Police Officer Doug Allen presented the second training entitled “Gang Awareness”.

Year in Review: Supportive Administrative Services.

The Court Administrator’s Office provides a variety of supportive services to the administration of Court policy and personnel. In 2010, the Court Administrator’s Office proposed, and received approval for an amendment to the Court’s Electronic Communications Policy that addressed Court staff member’s use of social media and other web-based tools of self-expression. The Court Administrator’s Office worked with the Civil Bailiff Staff and safety experts to propose and receive approval of updates to the Court’s Use of Court-Issued Aerosol Chemical Agents Policy. In addition, staff who work in the field were issued new aerosol chemical agents and holsters. The Court Administrator’s Office, at the direction of the bench, promulgated the Courtroom Bailiff Timekeeping Policy to ensure accurate and complete record-keeping for this department. Finally, the Court Administrator’s Office provided substantial support to the Probation Department as the Department developed and sought judicial approval of a new Department Attendance Policy. The Policy was approved by the Judges and will be implemented January 1, 2011.

The Court Administrator’s Office manages a number of administrative personnel actions. In 2010, the Court Administrator’s Office processed eighteen FMLA packets and twelve 40-hour program enrollees. In addition, seventeen investigations were conducted. The Court Administrator successfully resolved three grievances filed under the Court’s Employee Grievance Program. One disciplinary hearing was conducted in 2010. In addition, the Court Administrator’s Office helped support the departments in numerous personnel actions, ranging from identifying opportunities for informal coaching to assisting in the development of employee personnel improvement plans.

Year in Review: External Relations.

The Court Administrator’s Office continued in 2010 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 an appointed member of the Lucas County Community Corrections Board, as well as a member of the Regional Community Corrections Boards consisting of those counties participating in CCNO. The Court Administrator participated in three different programs sponsored by the University of Toledo, College of Law, Office of Professional Development and Law Career Services designed to assist local law students prepare for a successful transition from student to legal professional.

The Coming Year.

In 2011, staff will continue to work with the Clerk of Court and NORIS in completing the CourTools pilot project, including Measure 6 (Reliability and Integrity of Case Files), Measure 7 (Collection of Monetary Penalties), Measure 9 (Employee Satisfaction), and Measure 10 (Cost per Case). The Court is looking forward in 2011 to evaluating the results of the Court User survey as well.

As the Court becomes better accustomed to the City's new financial system, SAP, staff will be searching for opportunities to use up-to-date financial information in operational planning and decision-making.

The Court anticipates conducting a state-wide search for a new court administrator. While the Court committed to leaving 10.5 positions vacant in 2011, the Judges will also be evaluating the sustainability of this cost reduction measure.

The Court Administrator's Office will be working with Judge McConnell of the Housing Court on developing and implementing a Civil Bailiff Policy and Procedure Manual. In addition, Judge McConnell, the Chief Bailiff and Court Administrator staff will be working to assess measures to improve Civil Bailiff and Housing Specialist safety in the field.

Finally, the Court Administrator's Office anticipates researching and proposing software to process and track staff leave. Maintaining attendance and leave records for more than 70 staff members manually consumes an unreasonably large amount of staff time and attention. The goal is to have the software in place at the start of the 2012 calendar year.

Staffing.

Court Administrator Pamela Roberts retired in 2010. Acting Deputy Court Administrator Lisa Falgiano was appointed Acting Court Administrator. Chief Probation Officer Kim Oats was appointed Acting Deputy Court Administrator. Administrative Business Officer Barbara Hunter left the Court. The Court appointed Deidre Liedel, a licensed attorney and certified accountant, as Administrative Business Officer. Judges' Secretary Connie Sapp retired. Probation Secretary Joan Kelly was promoted to the position of Judges' Secretary. The Court also welcomed Meredith Kurucz as a job share partner to Judges' Secretary Brooke Lauber-Cobb after Elly Gallaher's resignation.

The Court Administrator's Office staff is comprised of Acting Court Administrator Lisa Falgiano, Acting Deputy Court Administrator Kim Oats, Information Technology Officer Terry Koluch, Administrative Business Officer Deidre Liedel, and Judges' Secretaries Diana Jensen, Joan Kelly, and Brooke Lauber-Cobb/Meredith Kurucz (job share).

CLERK OF TOLEDO MUNICIPAL COURT

Vallie Bowman-English
Clerk of Court

The Clerk of Toledo Municipal Court's Office is responsible for maintaining the public record on all court cases in Toledo Municipal Court as well as collecting and distributing fines and fees associated with these cases.

In 2010, the Clerk expanded the Real Time Data Entry project to Courtroom 6. A total of 5 courtrooms now have a deputy clerk recording case information in real time. This gives other departments and the public immediate access to the case information. In many instances, it also allows for further processing without having to wait for the case file to be delivered to locations within the Court.

Additionally, the imaging project was expanded to include Criminal/Traffic complaint forms and motions. These documents, along with civil Journal entries, are being scanned into our case system and displayed on our website. Anyone can view these documents without having to make a trip to the Courthouse.

The Clerk has redesigned the case information and schedule searches on our website to give users more information. The website now allows users to view a defendant's case history and to search scheduled cases by courtroom, attorney name or party name.

Finally, the Clerk's Office began working with the Judges' Division of Toledo Municipal Court to implement CourTools. CourTools is a set of ten trial court performance measures that offer courts a balanced perspective on court operations.

Specifically, the Clerk's Office has been working to implement Measure 6 (Reliability and Integrity of Case Files). This will help the office measure (a) how long it takes to locate a file, (b) whether the file's contents and case summary information match up, and (c) the organization and completeness of the file.

Results of this project will be used to identify and implement further efficiencies within the Clerk's operation.

**Clerk of Toledo Municipal Court
Vallie Bowman-English, Clerk**

Filings	2010	2009
Civil Division	24,317	25,635
Criminal / Traffic Division	75,473	75,913
TOTAL	99,790	101,548

Revenue Collected		
Civil	11,015,129.27	11,275,682.70
Criminal / Traffic	4,844,521.54	4,434,323.17
TOTAL	\$15,859,650.81	\$15,710,005.87

Revenue Disbursed		
City of Toledo General Fund	3,486,270.03	3,606,328.05
Other City of Toledo Accounts	1,431,068.75	1,398,149.14
Ottawa Hills	19,714.10	20,848.40
Sylvania Township Drug Fund	92.60	74.90
Washington Township	6,845.80	1,488.10
University of Toledo	1,460.00	1,760.00
Lucas County Treasurer	169,751.45	182,210.54
Lucas County Sheriff	212.60	421.30
Lucas County Drug Fund	31,426.84	32,520.11
Lucas County Law Library Association	8,394.61	8,556.00
Citizens Award Fund / Crime Stoppers	4,498.00	4,600.00
Toledo Area Humane Society	350.00	100.00
Toledo Area Metro Parks	616.00	881.00
Toledo Legal News	204,915.00	221,198.00
Civil Legal Assistance Project	157,587.88	172,551.00
Treasurer of State	1,605,425.01	1,324,110.39
Department of Natural Resources	2,555.00	2,104.00
State Pharmacy Board	5,553.15	4,614.80
Division of Liquor Control	100.00	25.00
Capital Recovery Systems	282,616.66	249,604.14
Fiduciary Accounts - Civil	8,485,438.37	8,308,202.94
Fiduciary Accounts - Trusteeship	119,051.91	128,248.50
Refunded Overpayments	31,903.59	30,877.55
TOTAL	\$16,055,847.35	\$15,699,473.86

**Clerk of Toledo Municipal Court
Civil Division**

Filings	2010	2009
Civil General	18,720	19,375
Small Claims	5,568	6,227
Trusteeship	29	33
TOTAL	<u>24,317</u>	<u>25,635</u>

Activities		
Bailiff Service Issued	6,535	7,275
Certificate of Judgment	4,310	5,278
Certified Mail Issued	30,102	31,842
Disbursements - Civil	7,658	7,297
Disbursements - Trusteeship	595	619
Dismissals	6,235	6,207
Executions	238	300
Garnishments	13,280	12,977
Judgments	55,196	56,075
Motions	12,149	12,698
Ordinary Mail Issued	16,211	15,466
Proceeding in Aid	2,331	2,325
Reports	53,135	55,124
Revivors	264	309
Revocations	4	11
Satisfactions	4,286	4,320
Subpoenas	435	530
Terminations	21,361	21,524
Transcripts	115	91
Writ of Restitution	3,196	3,327
TOTAL	<u>237,636</u>	<u>243,595</u>

Revenue Collected		
Civil Revenue	2,607,149.49	2,823,964.34
Fiduciary Accounts - Civil	8,294,443.69	8,329,895.35
Fiduciary Accounts - Trusteeship	113,536.09	121,823.01
TOTAL	<u>11,015,129.27</u>	<u>11,275,682.70</u>

Revenue Disbursed		
City of Toledo General Fund	1,445,074.46	1,565,853.75
Other City of Toledo Accounts	346,766.31	378,646.58
Civil Legal Assistance Project	157,587.88	172,551.00
Treasurer of State	451,981.84	490,439.92
Toledo Legal News	204,915.00	221,198.00
Fiduciary Accounts - Civil	8,485,438.37	8,308,202.94
Fiduciary Accounts - Trusteeship	119,051.91	128,248.50
Refunded Overpayments	510.04	10.00
TOTAL	<u>11,211,325.81</u>	<u>11,265,150.69</u>

**Clerk of Toledo Municipal Court
Criminal / Traffic Division**

Filings	2010		2009	
	Charges	Cases	Charges	Cases
Traffic	46,811	26,974	45,879	25,875
Criminal	28,662	20,836	30,034	21,762
TOTAL	75,473	47,810	75,913	47,637

Revenue Collected

Fines	1,375,984.01	1,398,993.77
Costs and Fees	3,362,628.69	2,969,342.52
HITT	5,975.19	2,440.33
Bond Forfeitures	68,540.10	32,679.00
Overpayments	31,393.55	30,867.55
TOTAL	4,844,521.54	4,434,323.17

Revenue Disbursed

City of Toledo General Fund	2,041,195.57	2,040,474.30
Other City of Toledo Accounts	1,084,302.44	1,019,502.56
Ottawa Hills	19,714.10	20,848.40
Sylvania Township Drug Fund	92.60	74.90
Washington Township	6,845.80	1,488.10
University of Toledo	1,460.00	1,760.00
Lucas County Treasurer	169,751.45	182,210.54
Lucas County Sheriff	212.60	421.30
Lucas County Drug Fund	31,426.84	32,520.11
Lucas County Law Library Association	8,394.61	8,556.00
Citizens Award Fund / Crime Stoppers	4,498.00	4,600.00
Toledo Area Humane Society	350.00	100.00
Toledo Area Metro Parks	616.00	881.00
Treasurer of State	1,153,443.17	833,670.47
Department of Natural Resources	2,555.00	2,104.00
State Pharmacy Board	5,553.15	4,614.80
Division of Liquor Control	100.00	25.00
Capital Recovery Systems	282,616.66	249,604.14
Refunded Overpayments	31,393.55	30,867.55
TOTAL	4,844,521.54	4,434,323.17

ASSIGNMENT OFFICE

Karen E. Wood
Assignment Commissioner

Department Description.

The primary responsibility of the Assignment Commissioner's Office is the assignment of judges to a criminal, traffic or civil case, 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. Random assignments are made by the computer program when a defendant enters a "not guilty" plea in criminal or traffic cases, or upon the filing of a motion, or an answer in civil cases.

After a pretrial or trial date is set, the parties are notified of the date, arrangements are made for jurors if a jury demand is filed, and arrangements are made 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, listing all filed motions in the Legal News, and processing of judgment and dismissal entries.

Accomplishments.

In 2010, the staff worked on a variety of projects updating the office computer system. The Assignment Commissioner's Office bid farewell to staff member Joyce Straka who retired, and welcomed Anne Eckhardt and Rose DeArmond as Assignment Clerks. In 2010, staff members also attended training on Gang Awareness, Harassment, CourTools, and Workplace Investigations.

The figures for 2010 with comparison figures for 2009 are as follows:

Category	2010	2009
A. Cases Assigned		
Criminal/Traffic Assignments	21,264	22,168
Civil Assignments (including Housing)	1,494	1,462
B. Cases set for Trial		
Criminal/Traffic Trials	8,523	8,756
Civil Trials	960	1,342
Criminal/Traffic Trial Resets	7,334	7,929
C. Cases set for Pretrial		
Pretrial - Criminal/Traffic	10,872	11,255
Pretrial Resets	1,502	1,610
Mandatory Jury Pretrials (MJPT)	52	128
D. Preliminary Hearing/Felony Arraignment Docket	13,206	12,999

Category	2010	2009
E. Jury Trials Set (Crim/Traff/Civil)	134	150
F. Bureau of Motor Vehicle Hearings	41	23
G. Eviction	6,292	6,431
H. Housing		
Criminal Housing Trials	191	319
Civil Housing (Not a Draw) New Assignments	210	211
Rent Escrow	82	30
I. ALS/Innocent Owner Hearings	21	41

Civil Assignments.

Pursuant to the Rules of Superintendence, judges are assigned to civil cases upon the filing of an answer or a motion. There are instances in which judges are assigned on cases other than those listed above, such as housing, reassignment, consolidation, assessment hearings, or transfers. The following figures represent the number of civil cases assigned during 2010 and 2009 per individual Judge:

2010	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
CAM	13	11	17	24	21	17	15	22	23	18	13	16	210
TCK	24	15	12	26	16	19	16	15	21	20	16	18	218
RGC	15	17	17	23	17	20	20	16	19	18	11	19	212
AJB	7	12	18	23	14	18	10	15	27	20	21	15	200
WMC	14	19	19	24	19	15	11	22	21	17	18	15	214
MRG	14	18	17	23	21	16	18	23	20	9	23	21	223
FXG	13	11	15	21	24	23	19	18	18	16	13	26	217
TOTAL	100	102	115	164	132	128	109	131	149	119	115	130	1,494

2009	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
CAM	13	11	28	16	17	17	19	22	19	25	13	11	211
TCK	19	17	16	16	17	25	14	12	18	15	19	17	205
RGC	24	14	13	16	19	16	17	13	13	22	17	10	194
AJB	18	15	24	17	19	18	14	21	26	18	13	13	216
LHS	10	15	15	17	23	22	17	23	17	22	19	15	215
MRG	18	15	26	16	21	17	11	25	22	13	11	15	210
FXG	14	8	24	16	27	18	23	17	14	22	12	16	211
TOTAL	116	95	146	114	143	133	115	133	129	137	104	97	1,462

Civil Cases Set for Trial

Month	2010	2009
January	96	141
February	91	91
March	91	98
April	81	128
May	45	113
June	91	135
July	60	122
August	70	101
September	90	102
October	94	108
November	84	113
December	67	90
TOTAL	960	1,342

Civil Motions.

A civil motion is a preliminary pleading related to procedure and point of law. In 2010, a total of 2,730 civil motions were processed and 98 were set for Oral Motion Hearing. In 2009, there was a total of 2,581 civil motions processed and 36 were set for Oral Motion Hearing.

Civil Pretrials		Civil Juries Set		Civil Mandatory Jury Pretrials	
2010	1,340	2010	43	2010	34
2009	1,249	2009	54	2009	41

Evictions.

2010 Evictions	Set	Reset	Judgments	Dismissals	On Desk/ Continuances
January	534	66	293	171	4
February	412	40	257	113	2
March	445	50	250	138	7
April	441	60	283	94	4
May	509	63	318	121	7
June	595	63	388	139	5
July	608	48	415	144	1
August	650	68	432	147	3
September	506	62	288	148	8
October	554	81	341	132	0
November	488	43	279	162	4
December	550	82	317	150	1
TOTAL	6,292	726	3,861	1,659	46

2009 Evictions	Set	Reset	Judgments	Dismissals	On Desk/ Continuances
January	434	42	252	126	14
February	475	37	264	169	5
March	459	44	285	121	9
April	471	57	291	119	4
May	508	61	314	119	14
June	594	77	373	131	13
July	595	85	375	129	6
August	621	74	378	157	12
September	595	80	358	152	5
October	599	47	386	166	0
November	455	69	288	105	2
December	625	102	330	181	12
TOTAL	6,431	775	3,894	1,675	96

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.

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
2010	8	9	8	5	6	6	7	9	5	11	4	4	82
2009	1	2	1	1	1	2	5	2	5	3	3	4	30

Bureau of Motor Vehicle Hearings (Civil).

A Magistrate schedules BMV cases for Hearing.

2010: 41 cases were set for Hearing.

2009: 23 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 the year 2000, most cases are set for a pretrial unless there is an issue with statutory time.

Criminal/Traffic Assignments.

Judge	2010	2009
McConnell	2,234 + 300	2,580 + 278
Kuhlman	3,050	3,209
Christiansen	3,142	3,256
Berling	3,099	3,225
Schaefer	3,181	3,180
Goulding	3,150	3,238
Gorman	3,108	3,202
Total	21,264	22,168

Reactivated Cases (Sealing of Record/ Expungments).

2010: 362

2009: 402

Criminal/Traffic Trial Reset Cases – 2010.

Judge	Jan	Feb	Marc	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
McConnell	100	48	96	83	73	87	91	77	104	70	55	61	945
Kuhlman	75	69	92	96	69	69	53	51	46	68	78	51	817
Christiansen	124	84	97	119	88	146	118	111	124	119	95	148	1,373
Berling	76	61	85	70	54	92	94	85	81	87	89	27	901
Connelly	86	82	83	62	73	116	84	60	62	77	64	73	922
Goulding	75	105	109	77	83	116	74	74	79	63	110	61	1,026
Gorman	97	117	116	108	86	124	107	148	142	129	66	110	1,350
TOTAL	633	566	678	615	526	750	621	606	638	613	557	531	7,334

Criminal/Traffic Trial Reset Cases – 2009.

Judge	Jan	Feb	Marc	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
McConnell	91	38	56	77	50	61	83	53	76	66	63	62	776
Kuhlman	102	86	80	80	54	83	49	70	92	90	73	74	933
Christiansen	92	97	124	88	141	106	131	165	108	113	106	112	1,383
Berling	83	73	96	86	139	95	112	75	95	70	77	60	1,061
Schaefer	86	62	103	103	85	130	122	31	120	103	84	73	1,102
Goulding	106	104	99	161	133	161	117	113	102	82	74	96	1,348
Gorman	102	73	111	118	89	171	99	107	140	87	116	113	1,326
TOTAL	662	533	669	713	691	807	713	614	733	611	593	590	7,929

2010 Jury Trials - Criminal/Traffic/Civil).

Month	Crim/Traffic	Civil	Ordered	Used	No. of Juries
January	11	1	2	1	0
February	6	0	0	0	0
March	8	10	0	0	0
April	5	5	1	0	0
May	8	3	0	0	0
June	6	7	1	0	0
July	6	2	2	2	0
August	10	3	1	1	0
September	12	4	0	0	0
October	7	2	0	0	0
November	4	5	0	0	0
December	8	1	1	0	1
TOTAL	91	43	8	4	1

2009 Jury Trials - Criminal/Traffic/Civil).

Month	Crim/Traffic	Civil	Ordered	Used	No. of Juries
January	3	5	0	0	0
February	4	5	0	0	0
March	12	8	3	2	0
April	14	4	2	0	0
May	6	4	0	0	0
June	16	5	0	0	0
July	9	4	0	0	0
August	7	3	0	0	0
September	8	5	1	1	0
October	7	4	0	0	0
November	9	6	1	1	0
December	1	1	0	0	0
TOTAL	96	54	7	4	0

2010 Criminal/Traffic Trials: 8,523

2009 Criminal/Traffic Trials: 8,756

Criminal/Traffic Pretrials.

McConnell	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
Set	116	110	147	101	98	150	119	123	102	101	108	90	1,365
Reset	17	9	10	17	13	13	16	15	13	46	15	13	197
*MJPT	2	0	0	0	0	2	0	0	1	1	0	1	7
Kuhlman													
Set	144	160	159	156	140	163	163	139	147	147	121	138	1,777
Reset	31	14	24	39	10	25	22	14	30	19	26	30	284
*MJPT	0	0	0	0	0	0	0	1	1	0	2	0	4
Christiansen													
Set	146	163	168	138	119	158	153	144	126	125	125	121	1,686
Reset	10	14	18	25	12	26	12	21	25	19	8	31	221
*MJPT	4	0	2	0	0	0	1	1	4	0	1	0	13
Berling													
Set	123	130	111	109	99	125	135	115	145	118	115	90	1,415
Reset	5	8	12	11	5	15	16	14	20	14	20	8	148
*MJPT	0	1	1	0	0	1	0	2	2	1	1	0	9
Connelly													
Set	82	84	115	67	72	95	88	85	91	101	106	75	1,061
Reset	14	13	17	7	6	23	13	17	7	11	14	18	160
*MJPT	0	0	0	0	0	0	0	0	0	0	2	2	4
Goulding													
Set	148	154	191	143	125	139	158	138	173	142	127	120	1,758
Reset	21	30	17	23	13	26	11	21	21	17	17	21	238
*MJPT	1	0	1	0	2	0	1	1	2	0	0	0	8
Gorman													
Set	129	161	181	150	122	162	147	128	152	169	177	132	1,810
Reset	12	22	23	16	16	24	19	24	27	33	14	24	254
*MJPT	2	0	0	0	1	1	0	0	2	0	0	1	7
TOTAL SET	888	962	1072	864	775	992	963	872	936	903	879	766	10,872
Total Reset	110	110	121	138	75	152	109	126	143	159	114	145	1,502
Total *MJPT	9	1	4	0	3	4	2	5	12	2	6	4	52

*Mandatory Jury Pretrials

2009 Criminal/Traffic Pretrials.

McConnell	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
Set	117	157	131	119	94	97	94	88	113	158	102	113	1,383
Reset	16	17	21	16	14	22	10	14	14	9	10	7	170
*MJPT	0	1	1	0	0	1	0	0	2	2	2	1	10
Kuhlman													
Set	166	156	192	133	93	127	151	104	146	181	137	85	1,671
Reset	18	18	24	19	14	21	19	25	17	21	24	8	228
*MJPT	0	3	2	5	3	2	0	4	3	0	2	0	24
Christiansen													
Set	149	172	173	133	120	100	140	137	176	170	144	63	1,677
Reset	43	25	46	13	30	13	15	19	14	20	8	3	249
*MJPT	1	1	4	1	1	4	3	3	3	3	5	1	30
Berling													
Set	108	130	126	110	89	99	109	96	139	141	119	119	1,385
Reset	22	23	14	16	25	24	14	17	7	8	8	8	186
*MJPT	2	1	1	0	3	1	0	0	1	0	0	2	11
Schaefer													
Set	170	145	137	138	103	122	142	106	168	169	144	138	1,682
Reset	37	27	23	24	15	28	15	10	19	17	12	15	242
*MJPT	2	2	1	2	2	1	1	2	1	0	1	0	15
Goulding													
Set	162	195	192	125	114	107	121	126	154	165	147	134	1,742
Reset	27	30	28	25	21	18	11	14	13	12	18	16	233
*MJPT	1	3	4	2	3	2	4	1	0	2	2	0	24
Gorman													
Set	161	181	153	126	101	123	139	116	158	190	129	138	1,715
Reset	20	12	26	22	14	59	27	30	36	15	20	27	308
*MJPT	1	2	3	0	0	2	1	1	2	0	2	0	14
Total Set													11,255
Total Reset													1,616
Total *MJPT													128

*Mandatory Jury Pretrials

2010 Criminal/Traffic Pretrials

2010 Total Pretrials Set: 10,872
Total Pretrials Reset: 1,502
Total Jury Pretrials: 52

2009 Criminal/Traffic Pretrials

2009 Total Pretrials Set: 11,255
Total Pretrials Reset: 1,610
Total Jury Pretrials: 128

2010 Total of Traffic/Criminal sets, resets, pretrials, Pretrial resets, Jury trials and jury pretrials: 28,374

2009 Total of Traffic/Criminal sets, resets, pretrials, Pretrial resets, Jury trials and jury pretrials: 29,870

Goals for 2011.

In 2011, 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, notifications, case management efficiency and CourTools.

Staff Summary.

The current staff consists of:

Karen E. Wood, Assignment Commissioner
Cheryl Smith, Senior Assignment Clerk
Valerie Hobbs, Assignment Clerk
Wanda Butts, Assignment Clerk
Janet Burnside, Assignment Clerk
Amy Wroblewski, Assignment Clerk
Anne Eckhardt, Assignment Clerk
Rose DeArmond, Assignment Clerk

CIVIL BAILIFF DEPARTMENT

David G. Baz Jr.
Chief Civil Bailiff

Department Description.

The Civil Bailiff Department perfects service for legal civil documents. Bailiffs enforce civil orders, civil judgments and execute writs as required by the Ohio Revised Code and Local Court Rules.

The Civil Bailiff Department also serves summonses, complaints, garnishments, subpoenas, civil restraining orders and other civil writs of the Court. The Bailiff Department supervises evictions and executes judgments and replevins according to court order.

Accomplishments.

Review and update the policies and procedures of the Bailiff Department.

The Civil Bailiff Department submitted the first draft of the policies and procedures manual to the Court Administrator's Office. The Court Administrator's Office and the Civil Bailiff Department held a workshop where future planning, brainstorming, discussions, and editing of the Civil Bailiff Manual began. Regular meetings continue to be held to edit the manual and prepare it for presentation to Judge C. Allen McConnell, Toledo Municipal Housing Court.

Increase efficiency by exploring effective use of technology in the Bailiffs' work and record-keeping.

The Bailiff Department, working with NORIS (Northwest Ohio Regional Information System) began work on a Bailiff Computer System. The system, while still in the developmental stage, will send all Bailiff Log Information from the Clerk of Court Civil Division electronically to a single Bailiff Log.

Each day the Civil Bailiff Department cross-checks the work received with the electronic log, verifying that all work is properly logged. Any errors are reported to NORIS. Regular project meetings are held with the Civil Bailiff Department, the Court Administrator's Office, NORIS and the Clerk of Court's Civil Division.

The completion of this project will eliminate the duplication of work in the Civil Bailiff Department and the Clerk of Court Civil Division. The end result will be a workflow that is more efficient, timely, and accurate for both the Civil Bailiff Department and the Clerk of Court Civil Division.

Review and update safety procedures for Bailiffs in the field.

The Civil Bailiff Department assembled a Safety Committee consisting of the Assistant Chief Bailiff and two Deputy Bailiffs. The committee working with the Acting Chief Probation Officer made the following recommendations regarding equipment and training and submitted them to the Court Administrator's Office for review:

- Policies and procedures regarding evictions were modified to improve the safety of Bailiffs while in the field.

- The Court issued new pepper spray to the Civil Bailiff Department, updated the Toledo Municipal Court Pepper Spray Policy and scheduled the pepper spray training through the Toledo Police Department which will be an annual requirement.
- The Civil Bailiff Department staff attended training entitled “Working with People with Mental Illness in the Criminal Justice System.” The training was conducted by Marci Dvorak, Executive Director, National Alliance on Mental Illness of Ohio, and Lieutenant Mark King, Crisis Intervention Team (CIT) Coordinator of The Toledo Police Department.
- The Bailiff Department received Gang Awareness Training to increase awareness while in the field. Training was conducted by Officer Doug Allen of the Toledo Police Department Gang Unit.

Additional training the Bailiff Department received.

- The Toledo Municipal Court Judges are currently assessing the performance of the Court by using a system of performance measures called “CourTools.” The Chief Bailiff and Assistant Chief Bailiff attended training presented by The Supreme Court of Ohio Case Management Section titled “CourTools: Their Purpose and Application.”
- The Civil Bailiff Department received training regarding Toledo Municipal Court’s Preventing Discrimination and Harassment Policy. The training was conducted by Kimberly Vanover Riley, Esq. from the law firm Montgomery, Rennie & Johnson Co. L.P.A.

Goals for 2011.

1. Finalize the Civil Bailiff’s Department Policy and Procedures Manual.
2. Finish the development and implement all phases of the Civil Bailiff Computer System. The Civil Bailiff Computer System will generate management reports recording the operations of the Civil Bailiff Department.
3. Continue to seek and implement new training focused on safety procedures that will increase the safety of Bailiffs in the field.

Staff Summary.

David G. Baz, Jr., Chief Bailiff
 Michael Kessler, Assistant Chief Bailiff
 Yvonne Harper, Deputy Bailiff
 Diana Irish, Deputy Bailiff
 Michael Isenberg, Deputy Bailiff
 Ann Mauder, Deputy Bailiff
 Tiffany Phenix, Deputy Bailiff
 Butch Ritter, Deputy Bailiff
 James Roman, Deputy Bailiff
 Kevin Smith, Deputy Bailiff

2010 CIVIL BAILIFF DEPARTMENT STATISTICS

	<u>2010</u>	<u>2009</u>
Summons - Received	2,570	2,367
Summons - No Service	79	82
Proceeding in Aid - Received	1,727	1,983
Proceeding in Aid - No Service	722	1,035
Subpoenas - Received	291	382
Subpoenas - No Service	62	76
Bench Warrants - Received	119	58
Bench Warrants - Personal Service	70	31
Bench Warrants - Returned Want of Assistance	30	23
Bench Warrants - Outstanding	15	2
Garnishees - Respondents Served	4,053	4,576
Garnishees - Defendants Served	3,708	4,194
Garnishees - Mail Service (To notify defendants on bank account attachments in accordance with federal law.)	490	949
Garnishees - Foreign Service (Mail to Respondents outside Lucas County)	90	110
Garnishees - No Service	255	272
Landlord Complaints	7,384	7,609
Landlord Complaints - No Service	133	202
Writ of Restitution Served	3,448	3,418
Returned for Want of Assistance	1,672	1,573
Returned for Want of Time	282	207
Returned for Request of Plaintiff	773	914
Cause to Vacate	179	179
Evicted	542	545
Writ of Restitution - Mailed - 4 Day Notice	3,448	3,418
Plaintiff Notice Served	3,418	3,418
Execution - Worked	88	138
Replevin - Worked	3	2
Bailiff Sales Held	1	0
Total Legal Documents Processed	32,204	34,345
Money Caused to be Collected on Execution	\$138,497	\$151,145
Money Caused to be Collected on Bench Warrants	\$42,855	\$30,897
TOTAL	\$181,352	\$182,042

COURT REPORTERS

Patricia Lindsey-Schmidlin
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. They 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 several 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 one or two days.

Accomplishments.

There were four juries seated in 2010 and four jury trials in 2009. The following is a breakdown of the jury trials presided over by each respective Judge:

2010

Judge Amy J. Berling – none
Judge Robert G. Christiansen – none
Judge Francis X. Gorman – none
Judge Michael R. Goulding – none
Judge Timothy C. Kuhlman – none
Judge C. Allen McConnell – none
Judge William M. Connelly, Jr. - July (2) Aug (1)
Visiting Judge J. Ronald Bowman - Jan.

2009

Judge Amy J. Berling – none
Judge Robert G. Christiansen – none
Judge Francis X. Gorman – March (2)
Judge Michael R. Goulding – Nov.
Judge Timothy C. Kuhlman – none
Judge C. Allen McConnell – Sept.
Judge Lynn H. Schaefer – none

Goals for 2011.

Our goal for 2011 will be to use our collective years of expertise to support the Court as it embraces technology to assist in creating records of unassailable accuracy and integrity.

Staff Summary.

There are six 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: Chief Court Reporter Patricia Lindsey-Schmidlin, assigned to Judge 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 William M. Connelly, Jr.; Carol H. Thomas, assigned to Judge Michael R. Goulding and April Vickers, assigned to Judge Robert G. Christiansen.

Since the retirement of Judge Amy J. Berling's court reporter in the spring of 2010, her courtroom has been equipped with a digital recording system which records all court proceedings. Those proceedings are then copied on to CDs which are kept for five years.

LAW CLERK/BAILIFF

Brooks Fowler
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.

A primary 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 2010, in accordance with the Ohio Supreme Court's directives, the Law Clerks conducted the ninth 'rolling inventory' of assigned pending cases. The rolling inventory was conducted over a period of seven weeks, with each Judge's inventory being executed on a specific assigned date by that Judge's Law Clerk. For the fourth time, the inventory was completed using a laptop computer and a case scanning gun. This method of inventory is very efficient and takes less than 12 man hours to complete per inventory. In addition, in 2010 the Law Clerks, the Clerk's Office and the Court's IT Officer all worked to improve case status reliability in the electronic case management system. The inventory process was leveraged to help assess and improve the accuracy of the information contained in the Court's electronic records. The accuracy of data within the electronic records is now above 99%.

Goals for 2011.

In 2011, the Law Clerks will continue to assist the Judges in enhancing efficiency and organization in the case processing. The 2011 inventory of assigned pending cases will include several new process features. Two weeks before the inventory, a report extract from the electronic record system will be run and sorted by case status. This will permit the Law Clerks to work with Clerk of Court staff to locate inadvertently misfiled affidavits. In addition, the Law Clerks can assist the Judges in scrutinizing flagged cases to improve the quality of the inventory statistics.

Staff Summary.

In 2010, Chief Courtroom Bailiff Patti Wardrop resigned, and in early 2011 James Anderson and Matthew Simko resigned from their duties of Law Clerk. Brooks Fowler was selected as Chief Courtroom Bailiff and new to the department is: Emily Piros, assigned to Judge Berling, Bryan Latta assigned to Judge Christiansen, and Jon Sheehan, assigned to Judge Goulding.

Additional Law Clerks are: Bridget Connelly, assigned to Judge Kuhlman, and Chris Zoeller, Research Clerk, responsible for research, bond reports, and courtroom coverage as necessary.

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 are referred involving 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 that 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 2010, 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 2010, Senior Mediator James Petas held office as president of the Ohio Mediation Association. Additionally, in 2010 CDSP accomplished the following:

- Bonnie Schrock attended the “Advanced Mediation Training” in Bowling Green, Ohio.
- Susan Monro attended “Breaking Mediation Impasse” in Cleveland, Ohio.
- James Petas attended the “Advanced Mediation Training” through the Ohio Mediation Association’s annual spring conference.
- CDSP assisted the Toledo Bar Association ADR/CDS Committee in presenting the fall mediation roundtable.
- The staff also attended several “in house” staff trainings through the Toledo Municipal Court. Topics included Effective Management Training, Gang Awareness & CIT/Mental Health Awareness Training.

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 2010, with statistics from 2009 for comparison, are provided below.

<u>Type Of Case</u>	Success Rate	
	<u>2010</u>	<u>2009</u>
Civil Cases:	72%	58%
Adjudicated:	79%	76%
Pre-Adjudicated:	85%	86%
Housing:	61%	64%
Small Claims:	62%	60%
<u>Dispute Resolution</u>	<u>2010</u>	<u>2009</u>
Assault	111	93
Menacing	132	95
Criminal Damaging	93	58
Theft	76	47
Harassment	13	13
Neighborhood Dispute	20	23
Telephone Harassment	27	18
Criminal Trespassing	47	5
Landlord/Tenant	28	28
Stalking	6	3
Other	61	62

<u>Civil Case Mediation Results</u>	<u>2010</u>	<u>2009</u>
Total Referred	112	111
Mediation: Agreement	56	48
No Agreement	22	35
CDSP Involvement/No mediation	23	19
Pending	11	9
Mediation Agreement %	72%	58%
<u>Adjudicated Case Mediation</u>	<u>2010</u>	<u>2009</u>
Total Referred	119	73
Mediation: Agreement	60	36
No Agreement	16	11
FTA to Notice	8	8
CDSP Involvement/No mediation	14	8
Pending	21	10
Mediation Agreement %	79%	76%
<u>Pre-Adjudicated Mediations</u>	<u>2010</u>	<u>2009</u>
Total Referred	458	372
Mediation: Agreement	138	144
No Agreement	25	24
FTA to Notice	170	107
CDSP Involvement/No mediation	73	64
Make File Only	39	26
Pending	13	7
Mediation Agreement %	85%	86%
<u>Housing Mediation</u>	<u>2010</u>	<u>2009</u>
Total Referred	68	79
Mediation: Agreement	28	35
No Agreement	18	20
FTA to Notice	6	8
CDSP Involvement/No mediation	13	15
Pending	3	1
Mediation Agreement %	61%	64%
<u>Small Claims/ Same Day Mediation</u>	<u>2010</u>	<u>2009</u>
Total Referred	127	147
Mediation: Agreement	75	100
No Agreement	46	47
Mediation Agreement %	62%	68%
<u>Check Resolution Mediations (CRS)</u>	<u>2010</u>	<u>2009</u>
Total Referred	743	932
Funds generated	\$11,115.00	\$13,980.00

Collected Mediations	2	1
Total number of cases referred (Minus CRS)	878	788

Goals for 2011.

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 2011 Citizens Dispute and the Alternative Dispute Resolution Committee of the Toledo Bar Association plan to work together to present local mediation training. Of the post mediation evaluations collected, 92% 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

Tammy M. Harris
Acting Chief Probation Officer

Department Description.

The Toledo Municipal Probation Department operates under the authority of the Toledo Municipal Court Judges. The primary role is to support the Court in managing offenders. Probation Officers investigate, supervise, and monitor adult offenders and provide information and recommendations to the Judges.

In addition to serving the Court, the Probation Department also serves offenders and the community. Public safety is promoted by reducing risk and changing offender behavior. Local partnerships with government agencies, social services, and community groups further support this endeavor.

The Probation Department provides a wide range of services throughout the court process. This includes pre-sentence, alternative sentence, and both standard and specialized post-sentence programs. Through these programs, the Probation Department assists victims and holds offenders accountable.

February, 2010 began a period of transition due to an unprecedented number of retirements throughout the Judges' Division. In March, 2010 Chief Probation Officer Kim Oats was appointed to the position of Acting Deputy Court Administrator. Assistant Chief Probation Officer Tammy Harris was appointed to Acting Chief, and the Assistant Chief position remained unfilled for the remainder of the year.

The overall management of the department rests with Acting Chief Probation Officer Tammy Harris. In the absence of an Assistant Chief, daily operations and the coordination of the units also falls under the direction of Acting Chief Harris. Ms. Harris is a member of the Ohio Chief Probation Officers Association, the American Probation and Parole Association, and is a certified trainer through the Ohio Judicial College.

The Probation Department is structured into five units: the Management Team, Intake Unit, Supervision Unit, Special Services Unit, and Clerical Unit. Within each unit, staff members serve as a back-up to each other in order to provide for the on-going operation of all programs. The supervisor also serves as a back-up to the positions within their unit if coverage is not adequate.

The Management Team has over 100 years of combined criminal justice and social service experience. The team is staffed by Acting Chief Tammy Harris, Intake Unit Supervisor Laura Berling, Administrative Secretary Barbara Cameron, Supervision Unit Supervisor Randolph Nelson, and Special Services Unit Supervisor Eddie Norrils. Together, the team problem solves and gives direction to the Probation Department.

Unit Supervisor Laura Berling supervises six professional staff in the Intake Unit. This unit is responsible for pre-sentence investigations, completing the intake process for inactive probation referrals, supervising inactive probation cases, and coordinating the License Intervention Program. There are three Investigating Probation Officers: Jennifer Friddell, Cathy Freeh, and Sean O'Connor. These investigators are responsible for completing all Pre-Sentence Investigation (PSI) and record check referrals for the department. They also coordinate competency evaluation referrals, investigate restitution referrals, and make recommendations regarding motions to seal records. Supervising Probation Officer Andrew Oberdier monitors all inactive probation cases that do not have any other active supervision cases within the department. Mr. Oberdier also backs-up the Intake Clerk and License Intervention Specialist. Intake Clerk Shirley Goodar assists the department by signing up the inactive probation and electronic monitoring cases.

Ms. Goodar also backs-up the License Intervention Program. Lisa Kuebler is the License Intervention Specialist. Ms. Kuebler educates drivers about their license status as well as coordinates limited driving privileges, reinstatement fee payment plans, and vehicle immobilizations.

Unit Supervisor Randolph Nelson supervises five Probation Officers in the Supervision Unit. Probation supervision is a court-ordered sanction that is placed on a person convicted of a crime. It is an alternative to jail and allows the offender to remain in the community under the supervision of a Probation Officer. Supervising Probation Officers complete risk assessments, make social service referrals, monitor drug screens, conduct record checks, and enforce the order of the Court. Significant violations are reported to the Judge for further disposition. There are five Supervising Probation Officers: Tony Bouyer, Megan Stevens, Mark Klapper, Markus Whitehead, and Kerry Konzen (who is assigned to the Special Services Unit). All medium and high risk probation cases are supervised by this group of Probation Officers. The average supervision caseload has 325 offenders.

Mr. Nelson also supervises Women's Risk Probation Officer Lori Donovan. The Women's Risk Program (WRP) is a pilot project for medium to high-risk women offenders. The program is based on the Women's Risk Assessment Project that is sponsored by the National Institute of Corrections and the University of Cincinnati Corrections Institute. Research shows that women have different criminal risk factors than men. WRP probation supervision helps women identify and address their unique risk factors in order to reduce crime and improve their overall quality of life. The 15 month Justice Assistance Grant (JAG) funding for this program expired December 31, 2010. Due to the positive impact of WRP, the program will continue to operate within the probation department as a stand alone caseload.

Unit Supervisor Eddie Norrils supervises five Probation Officers in the Special Services Unit. There are four Specialized Probation Officers who each focus on a specific program area: Alternatives, Community Sanction (CS), Community Service Probation Program (CSPP), and Intensive Supervision Probation (ISP). Kerry Konzen, the department's fifth Supervising Probation Officer, is also assigned to this unit

The Alternatives Program helps eligible first-time offenders avoid formal conviction. Offenders are held accountable for their actions through a series of individual, classroom, or e-course sessions. Each session talks about making good choices and staying out of trouble. Participants who stay crime free and complete the program are granted a one time case dismissal and sealing of their record. Due to the April, 2010 resignation of Probation Officer Theresa Braddy, the Alternatives Program is now staffed by only one Probation Officer, Jodi Alexander-Packard, who handles all referrals and teaching forums for the program.

Dawnelle Kelly is the Community Service Probation Program (CSPP) Officer. Community service is an alternative sentencing option that allows offenders to complete public service work instead of paying fines or serving time in jail. This sanction helps the community as well as holds offenders accountable for their criminal behavior.

Gary Colton is the Community Sanction (CS) Officer. This position is funded by the Community Corrections Act (CCA) grant from the Ohio Department of Rehabilitation and Correction. The Community Sanction Program saves local jail bed days by diverting license-related offenders from CCNO to active probation supervision. The grant further reduces jail bed days by providing \$31,080.00 for Indigent Electronic Monitoring. Mr. Colton also monitors the Kiosk Project, which is an evidence-based Kiosk Reporting Program available to low-risk offenders who meet certain criteria.

Mark Steude is the Intensive Supervision Probation (ISP) Officer. ISP is a jail diversion program for high-risk offenders. This position and related programming is funded by the Community Corrections Act

(CCA) grant from the Ohio Department of Rehabilitation and Correction. Supervision is short and intensive. Offenders must follow strict conditions such as curfew, drug testing, treatment, and reporting as often as three times per week. After completing ISP, offenders are transferred to an active probation caseload for the rest of their sentence. This grant also provides \$128,689.00 for emergency drug and alcohol treatment services for standard probation offenders who cannot pay for treatment.

The Clerical Unit provides secretarial and supportive services for the department. This includes but is not limited to greeting the public, collecting restitution payments, typing, filing, delivering probation files to the court rooms, and processing incoming cases. Administrative Secretary Barbara Cameron supervises Probation Secretaries Mary Baker, Idell Daniels, and Darlene Jimenez as well as Front Desk Secretary Valerie Waggoner and Assignment Secretary Martha Grabarkiewicz.

Accomplishments.

On December 31st, the Probation Department concluded two very successful Justice Assistance (JAG) Grants. The Alternatives On-line Grant funded the development and implementation of the substance abuse e-course, with a goal to place 150 offenders in the program. By December 31st, 305 participants successfully completed the program. Thirty-one were unsuccessfully terminated and 40 carried over to January, 2011. The probation department will continue to use this e-course beyond the life of the grant.

The Women's Risk Project was the second JAG grant. This grant funded one Probation Officer to supervise a caseload of up to 200 medium and high risk women. During 2010, 174 women were admitted to the program. There were nine successful terminations, five unsuccessful terminations, and 159 that carried over. Early in the grant, it was observed that this sub-set of women had many more needs and were more troubled than originally anticipated. The reduced caseload permits individualized service and case management. The probation department will continue this specialized caseload beyond the life of the grant.

The County Wide Kiosk Project is a collaborative grant funded by the Ohio Office of Criminal Justice Services. Toledo Municipal Probation, Maumee Municipal, Oregon Municipal, and Lucas County Adult Probation worked with NORIS to purchase, program and place four additional Kiosk Reporting Machines throughout Lucas County. At the completion of this project, offenders will have greater reporting accessibility and longer access hours throughout Lucas County. Low risk offenders can also report at one location for multiple jurisdictions. A trial production is anticipated for March, 2011 and full county-wide use of the Kiosk Reporting System is anticipated by May 1, 2011.

The Probation Department's major administrative accomplishment this year was the revision of the Attendance Policy. During the development process, every Probation Department employee had an opportunity to voice his or her concern about attendance issues. The end result is a new policy that emphasizes fairness and maximum employee access to leave while maintaining adequate staffing levels. Several areas of the policy will be monitored for evaluation and review in 2011.

In another collaborative project, the Probation Department and the Correctional Treatment Facility hosted a free one-day training session provided by the National Alliance on Mental Illness of Ohio (NAMI Ohio). The training addressed major mental illnesses, crisis intervention, and local resources. A total of 61 professionals were trained across seven different departments. This included Probation Officers, Correction Officers, Civil Bailiffs, Mediators, and Housing Specialists from Lucas County Correctional Treatment Facility, Lucas County Adult Probation, Sylvania Municipal Probation, and four departments within Toledo Municipal Court.

Throughout the year, the Probation Department used supervision fees to send staff to various trainings and conferences. Topics included communication skills, human trafficking, addictions and substance abuse, contemporary correctional and evidence based best practices, management skills, CourTools, and Interstate Compact rules. All Supervisors, Probation Officers, and Secretaries received training for Discrimination and Harassment Prevention, Gang Awareness, and the new Attendance Policy. The Probation Department sponsored an “Investigations” webinar, which was shared with managers from the Judges’ Division and Clerk of Courts.

Goals for 2011.

1. **Revise the Probation Department Offender Supervision Practices.** The Probation Department Offender Supervision Practices were last updated in 2004. Since that time, the Probation Department has been restructured and the Ohio Risk Assessment System implemented. Practices and standards need to be evaluated under the ORAS model.

2. **Develop an online course for the Alternatives General Class.** Distance learning reduces the number of hours staff spend preparing and facilitating day and evening group sessions. The Alternatives General Class is the second largest group of first time offenders and is next in line for e-course development.

3. **Increase the number of in-house training hours for probation staff.** In-house training provides focused and consistent information to all staff. It also eliminates travel expenses. Topics unique to the Probation Department will include “changing offender behavior” and correctional best practices.

Staff Summary.

As of December 31, 2010 there were 26 staff positions in the Probation Department: 1 Acting Chief Probation Officer, 3 Unit Supervisors, 14 Probation Officers, 1 Intake Clerk, 1 License Intervention Specialist, 1 Administrative Secretary, and 5 Probation Secretaries.

The Probation Department had five unfilled positions. There were three Probation Officer vacancies due to Probation Officer Laura Berling’s 2008 promotion, Probation Officer Pfeifer’s February retirement, and Probation Officer Theresa Braddy’s May resignation. There was one Probation Secretary vacancy following Joan Kelly’s promotion in May to Judges’ Secretary. The Assistant Chief Probation Officer position was unfilled after Tammy Harris’ March appointment to Acting Chief Probation Officer. There were no new hires in 2010.

STATISTICAL REPORT

INTAKE SERVICES:	<u>2010</u>	<u>2009</u>
<u>*Cases Referred to Probation</u>		
Traffic	4,504	5,938
Criminal	5,251	7,328
Other Area Courts	52	0
TOTAL	9,807	13,266
Defendants Placed of Probation	6,041	8,325
Released/Terminated	7,277	3,224
Court Reviews	3,471	1,327
Pre-sentence Referrals Requested	1,478	972
<u>Offenders on Probation</u>		
Active Probation	3,502	4,606
Inactive Probation	2,539	3,719
TOTAL Probation	6,041	8,325
SPECIAL SERVICES:		
EMU REFERRALS	264	288
CSPP PROGRAM:		
TOTAL CSPP Referrals	2,608	1,128
Insurance Fees Collected on CSPP Cases	\$7,942	\$6,092
TOTAL CSPP Hours Ordered*	113,186	69,171
TOTAL CSPP Hours Completed*	44,433	13,374

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

ALTERNATIVES PROGRAM:	<u>2010</u>	<u>2009</u>
Total cases processed	666	635
Unsuccessful	59	91
Sealed (Successful)	549	173
Carried into next year	254	257

RED/IMMOBILIZATION PROGRAM:	<u>2010</u>	<u>2009</u>
Immobilizations	213	159
Releases	259	146
RED Referrals	808	667
Valid Licenses Obtained		271

DISTRICT COURT SERVICES PROGRAM:	<u>2010</u>	<u>2009</u>
Referrals To Alternative Program		
Bowling Green	0	0
Sylvania	7	5
Maumee	1	7
Oregon	0	0
Perrysburg	30	42
TOTAL	<u>38</u>	<u>54</u>

FINANCIAL INFORMATION	<u>2010</u>	<u>2009</u>
Restitution	\$113,222	\$99,094
* Surcharge	<u>\$5,065</u>	<u>\$7,440</u>
	\$118,287	\$106,534

ENVIRONMENTAL COURT

Judge C. Allen McConnell
Housing Court

Court Description.

The Toledo Municipal Housing and 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 his proportionate share of 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 conditions 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 assist 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.

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, and 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 will be continued for a reasonable period of time to allow the defendant to do what is necessary to comply with the Code.

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

During the year of 2010, 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 refused to appear. Bench warrants are issued for those that fail to appear and those individuals are subject to apprehension by the Toledo Police Department.

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 it is determined that 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 Housing Court Judge currently has a Senior Housing Specialist and two Housing Specialists on staff. The role of the Housing Specialists in criminal and civil matters is to assist the homeowner 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 Community Control Program gives Housing Court defendants the opportunity to correct housing violations in cooperation with Housing Court personnel. Alternative sentencing programs work though 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.

Accomplishments:

The Housing Court entered into its 10th 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 190 homeowners in abating public nuisances and prolonging the life of their homes.

The Toledo Municipal Court Housing Specialists participated in numerous neighborhood beautification projects throughout 2010:

- The Toledo Municipal Court Housing Specialists participated in the City of Toledo Spring Trash Neighborhood Clean-Up on Saturday, April 24, 2010.
- On June 28, 2010, the Toledo Municipal Court Housing Specialists sponsored a clean-up and flower planting at a north end property. AmeriCorp workers participated in this event.
- The Toledo Municipal Court Housing Specialists participated in the City of Toledo Fall City-Wide Neighborhood Clean-Up on Saturday, September 18, 2010.

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 2011:

In 2011, 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. The Housing Court projects that in 2011 over 20 contracts will be executed under the Code Violation Abatement Program, offering grant repair assistance to qualified homeowners.

Staff Summary:

The 2010 Housing Court staff consists of Judge C. Allen McConnell, Magistrate Alan J. Michalak, backup Magistrates James E. Morgan, Rebecca K. Ligibel, and Catherine Hoolahan, Senior Housing Specialist Gwen J. Wyse, Housing Specialists Barbara Falls and Larry A. Cardwell.