



# **TOLEDO MUNICIPAL COURT**

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**ANNUAL REPORT 2009**

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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 Department 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 third term beginning January 1, 2009.

The Court updated a number of policies this year, including the Staff Security and Safety Policy, the Workplace Violence Policy, and the Preventing Discrimination and Harassment. Manager and staff training on the Court's Preventing Discrimination and Harassment Policy is scheduled for early 2010. The Court's Electronic Communication Policy was updated as well in 2009.

As a result of the updates to the Court's Security and Safety Policy, Deputy Court Administrator Don Colby conducted Emergency Preparedness training in June 2009 for not only the Judges Division staff, but for staff of other offices located within the building. Specialized training was provided for Office Safety Representatives. The training reviewed the Court's evacuation plan, as well as procedures for fire and medical emergencies, severe weather emergencies, hostage situations and bomb threats. Staff made good use of their training on June 22, 2009 when the building was ordered evacuated by the fire department due to a malfunction of the building's back-up generator. While staff was permitted to re-occupy the building quickly, the incident demonstrated the importance of emergency preparedness and training.

The Toledo Municipal Court Judges directed Court staff to begin working on the Toledo Municipal Court CourTools pilot project. The Court will be one of the first Courts in Ohio to implement CourTools. CourTools is a system of balanced performance measures developed by the National Center for State Courts. CourTools provides the potential to measure our effectiveness from multiple perspectives. The Court will be executing nine of the ten measures. As the Court moves through these measures, the Judges and staff will be studying the results to develop responses that improve and extend the Court's effectiveness, efficiency as well as enhancing access and fairness.

In 2009, the Judges Division eliminated the provision of the Toledo Municipal Code which required Court staff to reside within the jurisdiction of the Court. This change was pursuant to a Supreme Court of Ohio opinion regarding residency requirements for employment with a municipality.

This year, the Court began participating in the Ohio Supreme Court's Ohio Court Network. This project represents the Ohio Supreme Court's efforts to develop a statewide database of criminal, traffic and civil case information. The Toledo Municipal Court is proud to be the first large, urban Court to participate in the pilot project.

The Court's Information Technology Officer Terry Koluch continues to play a key role in fine-tuning the Ohio Supreme Court-mandated inventory of assigned pending cases. The current method of inventory involves less than 12 man hours per inventory and, through the work of Mr. Koluch, the Clerk's Office staff and Courtroom Bailiffs has resulted in improved cases status reporting reliability. The accuracy of data within the electronic records is now above 99%.

Deputy Court Administrator Don Colby departed the Court in June, 2009 to take the position of Court Administrator for the Lucas County Court of Common Pleas. Human Resource Officer Lisa Falgiano was appointed Acting Deputy Court Administrator. Ms. Falgiano previously served as the Court's Deputy Court Administrator from January 1999 until June 2003. Assistant Chief Probation Officer Tammy Harris began performing the duties of the Human Resource Officer in a part-time capacity.

The Judges appointed Civil Bailiff David G. Baz to the position of Chief Bailiff effective May, 2009. The Court Administrator's Office helped facilitate this transition through training and coaching. Mr. Baz's prior experience brings over ten years experience in the criminal justice field and more than 8 years of supervisory experience to the position.

The past year saw several additional staffing changes throughout the Court. The Probation department hired two probation officers in December to staff grant positions: Andrew Oberdier is working under the Justice Assistance Grant and Dawnelle Kelly is working under the Community Corrections Act grant. Assignment Clerk Linda Hill left the Court and was working to fill her position as the year drew to a close. Ann Burnworth joined the Court as the Courtroom Bailiff for Judge Connelly and Chris Zoeller joined the Court as part-time Research Clerk for the Judges.

The Court Administrator's Office continued in 2009 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.

As an appointed member of the Lucas County Community Corrections Board, the Court Administrator served as Chairperson of the Ad Hoc Electronic Monitoring Committee. The Court Administrator is also serving as a member of 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 is the Chairperson for the Ohio Association for Court Management (OACA) Mentoring Committee.

**Staff Summary:**

The Court Administrator's Office Staff is comprised of Court Administrator Pamela Roberts, Acting Deputy Court Administrator Lisa Falgiano, Acting Human Resource Officer Tammy Harris, 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 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 2009, the Clerk began to electronically report case dispositions to the Attorney General's Office's Bureau of Criminal Identification and Investigation (BCI). The Clerk is required by statute to report the final disposition of a charge to the Attorney General's Office when a defendant has been fingerprinted.

Previously the reporting of dispositions was accomplished by manually sending fingerprint cards to BCI. This process was cumbersome, time consuming and inefficient. Over the past year, the Clerk of Court has automated this process. These reports are now sent electronically to the Attorney General's Office on a weekly basis.

The Clerk also expanded the office's imaging project to the Criminal / Traffic division. Criminal affidavits and motions are now imaged when they are filed in the office. This has increased the speed in which the office is able to provide copies of documents to the public. It also allows members of the court staff to view these documents without having to physically find the case file.

Finally, the Court agreed to participate in the Ohio Supreme Court's Ohio Court Network pilot project. The Supreme Court hopes to develop the Ohio Court Network into a statewide database of criminal, traffic and civil case information. Toledo Municipal Court case data is sent to the Ohio Court Network from the Clerk's computer system on a nightly basis so that other courts can access this data when making case decisions.

Clerk of Toledo Municipal Court  
Vallie Bowman-English, Clerk

<b>Filings</b>	<b>2009</b>	<b>2008</b>
Civil Division	25,635	26,075
Criminal / Traffic Division	75,913	101,102
<b>TOTAL</b>	101,548	127,177

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**Revenue Collected**

Civil	11,275,682.70	11,146,685.23
Criminal / Traffic	4,434,323.17	5,241,139.07
<b>TOTAL</b>	\$15,710,005.87	\$16,387,824.30

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**Revenue Disbursed**

City of Toledo General Fund	3,606,328.05	4,378,665.45
Other City of Toledo Accounts	1,398,149.14	1,515,305.86
Ottawa Hills	20,848.40	25,635.40
Sylvania Township Drug Fund	74.90	-
Washington Township	1,488.10	848.00
University of Toledo	1,760.00	1,934.00
Lucas County Treasurer	182,210.54	189,614.01
Lucas County Sheriff	421.30	448.00
Lucas County Drug Fund	32,520.11	37,404.03
Lucas County Law Library Association	8,556.00	8,166.00
Citizen Award Fund / Crime Stoppers	4,600.00	2,528.00
Toledo Area Humane Society	100.00	131.00
Toledo Area Metro Parks	881.00	720.00
Toledo Legal News	221,198.00	258,093.93
Civil Legal Assistance Project	172,551.00	202,250.00
Treasurer of State	1,324,110.39	1,458,724.28
Department of Natural Resources	2,104.00	1,174.00
State Pharmacy Board	4,614.80	3,549.00
Division of Liquor Control	25.00	100.00
Capital Recovery Systems	249,604.14	264,178.30
Fiduciary Accounts - Civil	8,308,202.94	7,894,861.37
Fiduciary Accounts – Trusteeship	128,248.50	143,170.30
Refunded Over Payments	30,877.55	28,362.46
<b>TOTAL</b>	\$15,699,473.86	\$16,415,863.39

Clerk of Toledo Municipal Court  
Civil Division

<b>Filings</b>	<b>2009</b>	<b>2008</b>
Civil General	19,375	23,015
Small Claims	6,227	3,019
Trusteeship	<u>33</u>	<u>41</u>
<b>TOTAL</b>	<b>25,635</b>	<b>26,075</b>

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**Activities**

Bailiff Service Issued	7,275	7,164
Certificates of Judgment	5,278	5,394
Certified Mail Issued	31,842	36,441
Disbursements – Civil	7,297	6,955
Disbursements – Trusteeship	619	698
Dismissals	6,207	6,331
Executions	300	438
Garnishments	12,977	12,171
Judgments	56,075	53,407
Motions	12,698	14,437
Ordinary Mail Issued	15,466	15,743
Proceedings in Aid	2,325	1,863
Reports	55,124	49,372
Revivers	309	112
Revocations	11	16
Satisfactions	4,320	3,952
Subpoenas	530	593
Terminations	21,524	22,252
Transcripts	91	113
Writ of Restitution	<u>3,327</u>	<u>3,139</u>
<b>TOTAL</b>	<b>243,595</b>	<b>240,594</b>

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**Revenue Collected**

Civil Revenue	2,823,964.34	3,137,978.81
Fiduciary Accounts - Civil	8,329,895.35	7,870,102.90
Fiduciary Accounts – Trusteeship	<u>121,823.01</u>	<u>138,603.52</u>
<b>TOTAL</b>	<b>\$11,275,682.70</b>	<b>\$11,146,685.23</b>

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**Revenue Disbursed**

City of Toledo General Fund	1,565,853.75	1,736,451.55
Other City of Toledo Accounts	378,646.58	376,120.25
Civil Legal Assistance Project	172,551.00	202,250.00
Treasurer of State	490,439.92	563,776.92
Toledo Legal News	221,198.00	258,093.93
Fiduciary Accounts – Civil	8,308,202.94	7,894,861.37
Fiduciary Account – Trusteeship	128,248.50	143,170.30
Refunded Over Payments	<u>10.00</u>	<u>-</u>
<b>TOTAL</b>	<b>\$11,265,150.69</b>	<b>\$11,174,724.32</b>

Clerk of Toledo Municipal Court  
Criminal / Traffic Division

<b>Filings</b>	<b>2009</b>		<b>2008</b>	
	<b>Charges</b>	<b>Cases</b>	<b>Charges</b>	<b>Cases</b>
Traffic	45,879	25,875	65,607	39,506
Criminal	30,034	21,762	35,495	25,615
<b>TOTAL</b>	<u>75,913</u>	<u>47,637</u>	<u>101,102</u>	<u>65,121</u>

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**Revenue Collected**

Fines	1,398,993.77	1,725,743.65
Costs and Fees	2,969,342.52	3,443,494.70
HITT	2,440.33	9,993.26
Bond Forfeitures	32,679.00	33,545.00
Over Payments	30,867.55	28,362.46
<b>TOTAL</b>	<u>\$4,434,323.17</u>	<u>\$5,241,139.07</u>

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**Revenue Disbursed**

City of Toledo General Fund	2,040,474.30	2,642,213.90
Other City of Toledo Accounts	1,019,502.56	1,139,185.61
Ottawa Hills	20,848.40	25,635.40
Sylvania Township Drug Fund	74.90	-
Washington Township	1,488.10	848.00
University of Toledo	1,760.00	1,934.00
Lucas County Treasurer	182,210.54	189,614.01
Lucas County Sheriff	421.30	448.00
Lucas County Drug Fund	32,520.11	37,404.03
Lucas County Law Library Association	8,556.00	8,166.00
Citizen Award Fund / Crime Stoppers	4,600.00	2,528.00
Toledo Area Humane Society	100.00	131.00
Toledo Area Metro Parks	881.00	720.00
Treasurer of State	833,670.47	894,947.36
Department of Natural Resources	2,104.00	1,174.00
State Pharmacy Board	4,614.80	3,549.00
Division of Liquor Control	25.00	100.00
Capital Recovery Systems	249,604.14	264,178.30
Refunded Over Payments	30,867.55	28,362.46
<b>TOTAL</b>	<u>\$4,434,323.17</u>	<u>\$5,241,139.07</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, and 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.

\*Noted figures have been corrected from the 2008 Annual Report

### Accomplishments

In 2009, the staff worked on a variety of projects updating the office computer system. The Office also bid farewell to staff member Linda Hill.

The figures for 2009 with comparison figures for 2008 are as follows:

<b>Category</b>	<b>2009</b>	<b>2008</b>
A. Cases Assigned		
Criminal/Traffic Assignments	22,168	27,773
Civil Assignments (including Housing)	1,462	1,426*
B. Cases set for Trial		
Criminal/Traffic Trials	8,756	9,910
Civil Trials	1,342	1,373
Criminal/Traffic Trial Resets	7,929	9,591*
C. Cases set for Pretrial		
Pretrial – Criminal/Traffic	11,255	13,775
Pretrial Resets	1,610	2,581
Mandatory Jury Pretrials (MJPT)	128	144
D. Preliminary Hearing/Felony Arraignment Docket	12,999	16,553
E. Jury Trials Set (Crim/Traff/Civil)	150	192
F. Bureau of Motor Vehicle Hearings	23	29
<b>Category</b>	<b>2009</b>	<b>2008</b>

G. Evictions	6,431	6,650
H. Housing		
Criminal Housing Trials	319	427
Civil Housing (Not a Draw) New Assignments	211	176
Rent Escrow	30	24
I. ALS/Innocent Owner Hearings	41	44

### 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 2009 and 2008 per individual Judge:

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
<b>Total</b>	116	95	146	114	143	133	115	133	129	137	104	97	1,462

2008	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	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*	18*	25*	15*	22*	12*	12*	33*	11*	24*	24*	9*	21*	226*
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
<b>Total</b>	125*	136*	107*	126*	106*	105*	131*	87*	140*	145*	92*	126*	1,426*

## Civil Cases Set for Trial

<b>Month</b>	<b>2009</b>	<b>2008</b>
January	141	131
February	91	121
March	98	100
April	128	143
May	113	120
June	135	98
July	122	97
August	101	105
September	102	83
October	108	134
November	113	114
December	90	127
<b>Total</b>	<b>1,342</b>	<b>1,373</b>

## Civil Motions

A civil motion is a preliminary pleading related to procedure and point of law. In 2009, 2,581 civil motions were processed and 36 were set for Oral Motion Hearing. In 2008, 2,653 civil motions were processed and 61 were set for Oral Motion Hearing.

### **Civil Pretrials**

**2009** 1,249

**2008** 1,359

### **Civil Juries Set**

**2009** 54

**2008** 52

### **Civil Mandatory Jury Pretrials**

**2009** 41

**2008** 50

## Evictions

<b>2009 Evictions</b>	<b>Set</b>	<b>Reset</b>	<b>Judgments</b>	<b>Dismissals</b>	<b>On Desk/ Continuances</b>
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	60	288	105	2
December	625	102	330	181	12
<b>Totals</b>	<b>6,431</b>	<b>766</b>	<b>3,894</b>	<b>1,675</b>	<b>96</b>

<b>2008 Evictions</b>	<b>Set</b>	<b>Reset</b>	<b>Judgments</b>	<b>Dismissals</b>	<b>On Desk/ Cont/ Other</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>	6,650	699	3,811	2,008	132

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>April</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>2009</b>	1	2	1	1	1	2	5	2	5	3	3	4	30
<b>2008</b>	4	2	0	2	3	0	3	0	5	1	1	3	24

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

A Magistrate schedules BMV cases for Hearing.

**2009:** 23 cases were set for Hearing.

**2008:** 29 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

<u>Judge</u>	<u>2009</u>	<u>2008</u>
McConnell	2,580+278	2,915+369
Kuhlman	3,209	4,063
Christiansen	3,256	4,165
Berling	3,225	4,031
Schaefer	3,180	4,061
Goulding	3,238	4,061
Gorman	3,202	4,108
<b>Total</b>	<b>22,168</b>	<b>27,773</b>

### Reactivated Cases (Sealing of Record/ Expungments)

2009: 402

2008: 287

### Criminal/Traffic Trial Reset Cases - 2009

<u>Judge</u>	<u>Jan</u>	<u>Feb</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Total</u>
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
<b>Total</b>	<b>662</b>	<b>533</b>	<b>669</b>	<b>713</b>	<b>691</b>	<b>807</b>	<b>713</b>	<b>614</b>	<b>733</b>	<b>611</b>	<b>593</b>	<b>590</b>	<b>7,929</b>

### Criminal/Traffic Trial Reset Cases - 2008

<u>Judge</u>	<u>Jan</u>	<u>Feb</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Total</u>
McConnell	97	91*	59	72	87	87	100	71*	50	97	58	80*	949
Kuhlman	80	91	79	102	106	87	109	98	104	133	84	88	1,161
Christiansen	121	161	160	171	172	131	173	165	163	141	82	142	1,782
Berling	165	171	156	166	125	125	118	84	102	120	98	37	1,467
Schaefer	102	106	77	78	98	73	101	99	92	155	119	97	1,197
Goulding	101	99	106	98	141	95	128	141	107	162	120	108	1,406
Gorman	185	148	112	168	139	127	166	168	106	124	73	113	1,629
<b>Total</b>	<b>851</b>	<b>867</b>	<b>749</b>	<b>855</b>	<b>868</b>	<b>725</b>	<b>895</b>	<b>826</b>	<b>724</b>	<b>932</b>	<b>634</b>	<b>665</b>	<b>9,591</b>

**2009 Jury Trials - Criminal/Traffic/Civil)**

<b>Month</b>	<b>Crim/Traffic</b>	<b>Civil</b>	<b>Ordered</b>	<b>Used</b>	<b>No Jurors</b>
Jan.	3	5	0	0	0
Feb.	4	5	0	0	0
March	12	8	3	2	0
April	14	4	2	0	0
May	6	4	0	0	0
Jun	16	5	0	0	0
July	9	4	0	0	0
August	7	3	0	0	0
Sept.	8	5	1	1	0
Oct.	7	4	0	0	0
Nov.	9	6	1	1	0
Dec.	1	1	0	0	0
<b>Total</b>	96	54	7	4	0

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

<b>Month</b>	<b>Crim/Traffic</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
<b>Total</b>	140	52	15	11	0

**2009 Criminal/Traffic Trials: 8,756**

**2008 Criminal/Traffic Trials: 9,910**

**2009 Criminal/Traffic Pretrials**

<b>McConnell</b>	<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>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
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
<b>Kuhlman</b>													
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
<b>Christiansen</b>													
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
<b>Berling</b>													
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
<b>Schaefer</b>													
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
<b>Goulding</b>													
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
<b>Gorman</b>													
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
<b>Total Set</b>													11,255
<b>Total Reset</b>													1,616
<b>Total MJPT</b>													128

\*Mandatory Jury Pretrials

## 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
<b>Total Set</b>													13,775
<b>Total Reset</b>													2,581
<b>Total MJPT</b>													144

### 2009 Criminal/Traffic Pretrials

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

### 2008 Criminal/Traffic Pretrials

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

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

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

### **Goals for 2010**

In 2010, 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 and case management efficiency. The Office also welcomed two new staff members.

### **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

Janet Hegedus, Assignment Clerk

Amy Wroblewski, Assignment Clerk

Anne Eckhardt, Assignment Clerk

# CIVIL BAILIFF DEPARTMENT 2009 ANNUAL REPORT

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 serves summons, 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**

Dave Baz assumed the position of Chief Bailiff in May of 2009 and set three goals for the office.

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

In preparation for the review, information was gathered from an old Bailiff handbook, as well as various notes and memos. The Chief Bailiff and the Assistant Chief Bailiff reviewed and made adjustments to each policy and procedure. The Bailiff Department conducted meetings with staff to discuss each policy and procedure individually. After these meetings the Chief Bailiff made final adjustments to the policies and procedures discussed.

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

Meetings were conducted between the Bailiff Department, the Court Administrator's IT Officer, NORIS (North West Ohio Regional Information System) and the Clerk of Court's Office to review office operations and practices for opportunities for the implementation of technology. The Bailiff Department works closely with the Civil Clerk's Office. The goal is to share information between the two offices via a computer system, thus eliminating the duplication of work and completing the work faster. In preparation for implementing technological upgrades, the Bailiff Department received new office furniture, computers and printers. The Court Administrator's IT Officer provided some basic computer training, as well as a self paced computer training program, Microsoft interdepartmental email, and calendar scheduling instructions. NORIS provided computer training in RegionWISE person search. This allows Bailiffs to check the history of a defendant prior to an eviction to determine any potential safety risks.

### ***Review and update safety procedures for Bailiffs in the field.***

The Chief Bailiff implemented a new policy for evictions where Bailiffs use their partners as back up for safety purposes. Each Bailiff attended pepper spray training at the Toledo Police Academy. The office also conducted break out group meetings where safety concerns were discussed. The Acting Human Resource Officer, working with the Chief Bailiff, is preparing a report that will summarize staff safety concerns and make recommendations to the Court for policy and procedure updates.

## **Goals for 2010**

1. Format the Bailiff Department's Policies and Procedures and submit them to Pam Roberts, Court Administrator, Judge McConnell, Housing Court Judge and Judge Kuhlman, Presiding Judge for review.

2. Continue to meet with the Court's IT Officer, NORIS and the Clerk's Office to implement a computer system for the Bailiff Department. This computer system will be beneficial to both the Clerk of Court's Office as well as the Bailiff Department.
3. Work to implement updated safety policies and procedures approved by the Court as a result of last year's study.
4. Continue to develop a staff of professionals well-known for providing dependable service to Judges, court staff, attorneys and the public.

**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  
Mary Johnson, Deputy Bailiff  
Ann Mauder, Deputy Bailiff  
Tiffany Phenix, Deputy Bailiff  
Butch Ritter, Deputy Bailiff  
James Roman, Deputy Bailiff  
Kevin Smith, Deputy Bailiff

## 2009 CIVIL BAILIFF DEPARTMENT STATISTICS

	<u>2009</u>	<u>2008</u>
Summons-Received	2,367	2,731
Summons-No Service	82	122
Proceeding in Aid-Received	1,983	1,550
Proceeding in Aid-No Service	1,035	773
Subpoenas-Received	382	351
Subpoenas-No Service	76	63
Bench Warrants-Received	58	98
Bench Warrants-Personal Service	31	
Bench Warrants-Returned want of assistance	23	49
Bench Warrants-Outstanding	2	1
Garnishees-Respondents Served	4,576	6,265
Garnishees-Defendants Served	4,194	6,012
Garnishees-Mail Service (To notify Defendants on bank account attachments in accordance with federal law.)	949	2,308
Garnishees-Foreign Service (Mail to Respondents outside of Lucas County)	110	844
Garnishees-No Service	272	253
Landlord Complaints	7,609	7,475
Landlord Complaints-No Service	202	239
Writ of Restitution Served	3,418	3,411
Returned for want of assistance	1,573	1,904
Returned for want of time	207	
Returned for request of plaintiff	914	718
Cause to vacate	179	241
Evicted	545	560
Writ of Restitution-Mailed-4 Day Notice	3,418	3,411
Plaintiff Notice served	3,418	781
Execution-Worked	138	222
Replevin-Worked	2	6
Bailiff Sales Held	0	0
Total Legal Documents Processed	32,460	35,464
Money caused to be collected on Execution	\$151,145.33	\$178,684.53
Money caused to be collected on Bench Warrants	\$ 30,896.63	\$ 22,353.95
<b>Total</b>	<b>\$182,041.96</b>	<b>\$201,038.48</b>

## 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. 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 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:**

There were four juries seated in 2009 and ten jury trials in 2008. The following is a breakdown of the jury trials presided over by each respective Judge:

#### **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

#### **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

### **Goals for 2010:**

Our goal for 2010 will be to use our collective one hundred and eight years of expertise to support the Court as it embraces technology to assist creating records of unassailable accuracy and integrity.

**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 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 Lynn H. Schaefer; Carol H. Thomas, assigned to Judge Michael R. Goulding and April Vickers, assigned to Judge Robert G. Christiansen.

## **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.

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 2009, in accordance with the Ohio Supreme Court's directives, the Law Clerks conducted the eighth '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 third 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 2009 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 2010:**

In 2010, the Law Clerks will continue to assist the Judges in enhancing efficiency and organization in the case processing. The 2010 inventory of assigned pending case 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 2009, the Law Clerk/Bailiffs welcomed two new Law Clerks into their department: Ann Burnworth with the newly-elected Judge Connelly, and Chris Zoeller as our Research Clerk, who is also responsible for research, bond reports, and courtroom coverage as necessary.

Jim Anderson, Law Clerk

Bridget Connelly, Law Clerk

Brooks Fowler, Law Clerk

Troy Hawkins, Law Clerk

Matt Simko, Law Clerk

Patricia Wardrop, Chief Law Clerk

# 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 that 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 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 2009, 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 2009, Senior Mediator James Petas was nominated for president of the Ohio Mediation Association – 2010- 2011. Additionally, in 2009 CDSP accomplished the following:

- CDSP staff attended training through the Supreme Court of Ohio’s Dispute Resolution Section.
- Toledo Bar Association ADR/CDS committee held a successful mediation seminar titled “The Role of Judges in Mediation.” Participating in the panel discussion were Toledo Municipal Court Presiding Judge Timothy Kuhlman and Judge Lynn Schaefer.
- CDSP organized a roundtable discussion with the Toledo Municipal Court Bench on how to better utilize mediation in the municipal court. Discussion was lead by Judge Lynn Schaefer.

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 2009, with statistics from 2008 for comparison, are provided below.

<b><u>Type Of Case</u></b>	<b><u>2009</u></b>	<b><u>2008</u></b>
	<b>Success Rate</b>	
Civil cases:	58%	71%
Adjudicated:	76%	80%
Pre-Adjudicated:	86%	91%
Housing:	64%	79%
Small Claims:	60%	54%

<b><u>Dispute Resolution- Case Types Referred</u></b>	<b><u>2009</u></b>	<b><u>2008</u></b>
Assault	93	117
Menacing	95	123
Criminal Damage	58	54
Theft	47	35
Harassment	13	16
Neighborhood Dispute	23	16
Telephone Harassment	18	29
Criminal Trespassing	5	7
Landlord/Tenant	28	26
Stalking	3	6
Other	62	54

<b><u>Civil Case Mediation Results</u></b>	<b><u>2009</u></b>	<b><u>2008</u></b>
Total Referred	111	98
Mediation: Agreement	48	47
No Agreement	35	19
CDSP involvement/No mediation	19	21
Pending	9	11
Mediation Agreement %	58%	71%

<b><u>Adjudicated Case Mediation Results</u></b>	<b><u>2009</u></b>	<b><u>2008</u></b>
Total Referred	73	80
Mediation: Agreement	36	49
No agreement	11	12
FTA to Notice	8	2
CDSP involvement/No mediation	8	7
Pending	10	10
Mediation Agreement %	76%	80%

<b><u>Pre-Adjudicated Mediations</u></b>	<b><u>2009</u></b>	<b><u>2008</u></b>
Total referred	372	403
Mediation: Agreement	144	167
No agreement	24	16
FTA to notice	107	105
CDSP involvement/No mediation	64	85
Make File Only	26	24
Pending	7	6
Mediation Agreement %	86%	91%

<b><u>Housing Mediations</u></b>	<b><u>2009</u></b>	<b><u>2008</u></b>
Total referred	79	65
Mediation: Agreement	35	37
No agreement	20	10
FTA to notice	8	5
CDSP involvement/No mediation	15	13
Pending	1	0
Mediation Agreement %	64%	79%



## **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. The clerical staff is supervised by Barb Cameron.

### **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 Theresa Braddy and Jodi Packard handle referrals for the Alternatives Program and facilitate the group sessions.

Mr. Norrils also supervises Mark Steude, 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 Department of Rehabilitation and Corrections, 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 in December, 2009; the department scored 100% on the audit.

Jennifer Friddell is the Community Service Probation Program (CSPP) Officer. 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.

September, 2009 the Bureau of Community Sanctions awarded the Probation Department an additional \$110,000 as part of the Community Corrections Act (CCA) grant. Funding for this grant is targeted to divert those offenders from incarceration at CCNO who are serving time on probation violations and to provide funds for an indigent electronic monitoring program.

Gary Colton, who is supervised by Mr. Norrils, supervises those offenders assigned to the Community Sanction Program. He also monitors offenders who report in by kiosk.

Laura Berling supervises the Pre-Sentence Investigation Unit. Probation Officers assigned to this unit are Charlie Pfeifer, Cathy Freeh, and Sean O'Conner. 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. Mrs. Berling also supervises Andrew Oberdier, a new probation officer. Mr. Oberdier joined the department in December. His current responsibility is to monitor those offenders referred to the department for inactive probation that do not have any active cases within the department.

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, Dawnelle Kelly 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.

### **Accomplishments**

One major accomplishment for the department this year was the implementation of the Ohio Risk Assessment System instrument for the classification of offenders. Supervisors and officers attended training conducted by the University of Cincinnati on October 2-6, 2009. Training included the general risk assessment for all offenders and the Women's Gender Specific Trailer. The Women's Gender Specific Trailer is a risk instrument that focuses specifically on the risk and needs of women offenders.

The Probation Department was also the recipient of two Justice Assistance Grants. The Online Alternatives Grant in the amount of \$12,000 (amount includes a \$6,000 match) was awarded to the department in September, 2009. The funding was used to replace the substance abuse portion of the Alternatives Program online. This would allow offenders to enroll and complete the program from their home or school computers via the internet.

With the addition of the Online Alternatives course, there will be a reduction in offenders attending group sessions, as well as a reduction in the time it takes for a student to complete Alternatives. The goal is to place 150 participants in the program in one year. Currently 42 participants are either enrolled or have completed the program. The project development was completed and implemented by December.

The second of two grants is also Justice Assistance Grant. The Women's Criminogenic Needs Grant was awarded to allow the probation department to hire a probation officer to work specifically with women. The grant funds one position and is scheduled to expire December 31, 2010. Probation Officer Lori Donovan was moved to the grant position and currently supervises a caseload of high and medium risk female offenders.

The Probation Department also received an increase of \$110,000 in additional Community Corrections Act (CCA) funding from the Bureau of Community Sanctions. The funding is used to divert offenders from CCNO who are serving time on license related cases. The funding was used to hire one probation officer to serve as the Community Sanctions Officer. The Community Sanctions Officer will monitor indigent offenders who are sentenced to Electronic Monitoring, and also those offenders who violate their probation however the sentencing judge or magistrate has placed them in the Community Sanction Program.

During the course of the year department has utilized probation fees to send officers to various trainings and conferences. Supervisors, officers and secretaries attended office training and probation training in the areas of Criticism & Discipline Skills, Management Conference, Safety, Substance Abuse in Adults, Ethics, Mixing Medicine, Managing Projects, Sex Addiction, Back 2 Basics - Criminal Targets, Domestic Violence Training, Assessment and Treatment of Addiction and Managing Emotions.

## **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 tracking system for probation files.** Currently the probation staff track over 7,000 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.

## **Staff Summary:**

As of December 31, 2009 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. We also have one Probation Officer vacancy.

On December 8, 2009 Andrew Oberdier was hired to fill a Justice Assistance Grant position, and Dawnelle Kelly began on December 29, 2009 to fill a CCA grant position that was awarded to the Probation Department in September of that year.

## STATISTICAL REPORT

<b>INTAKE SERVICES:</b>	<b><u>2009</u></b>	<b><u>2008</u></b>
<u>*Cases Referred to Probation:</u>		
Traffic	5,938	5,806
Criminal	7,328	7,191
Other Area Courts	<u>0</u>	<u>46</u>
<b>Total</b>	13,266	13,043
Defendants Placed on Probation	8,325	5,608
Released/Terminated	3,224	3,689
Court Reviews	1,327	1,578
Pre-sentence Referrals Requested	972	1,288
<u>Offenders on Probation</u>		
Active Probation	4,606	4,689
Inactive Probation	<u>3,719</u>	<u>3,885</u>
<b>Total Probation</b>	8,325	8,574
<b>SPECIAL SERVICES:</b>		
<b>EMU REFERRALS</b>	288	357
<b>CSPP PROGRAM</b>		
<b>Total CSPP Referrals</b>	1,128	1,147
Insurance Fees Collected on CSPP Cases	\$6,092	\$5,860
<b>Total CSPP Hours Ordered*</b>	69,171	53,634
<b>Total CSPP Hours Completed*</b>	13,374	16,093

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

**ALTERNATIVES PROGRAM:**

	<u>2009</u>	<u>2008</u>
Total cases processed	635	477
Unsuccessful	91	153
Sealed (Successful)	173	124
Carried into next year	257	200

**RED/IMMOBILIZATION PROGRAM:**

Immobilizations	159	262
Releases	146	172
RED Referrals	667	867
Valid Licenses Obtained	271	201

**DISTRICT COURT SERVICES PROGRAM:**

## Referrals To Alternative Program

Bowling Green	0	1
Sylvania	5	6
Maumee	7	0
Oregon	0	0
Perrysburg	<u>42</u>	<u>29</u>
<b>Total</b>	54	36

**FINANICAL INFORMATION**

	<u>2009</u>	<u>2008</u>
Restitution	\$99,093.97	\$ 90,203.69
* Surcharge	<u>\$ 7,440.33</u>	<u>\$ 4,949.63</u>
	\$106,534.30	\$ 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 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 Specialists perform 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, Department of Health, Department of Neighborhoods, and the Inspection Department, seeking to enforce zoning, building, health, safety, and nuisance abatement codes. In addition, the Environmental Court docket includes cases involving house stripping, fire prevention, dumping, littering, smoking violations, fishing violations, watercraft violations and manufactured homes.

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 Wednesdays. 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.

During the year of 2009, 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 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 may be 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 Housing Court Judge currently has a Senior Housing Specialist and two Housing Specialists on staff. The Housing Specialists in criminal and civil matters assists 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 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 ninth 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 175 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 2009:

- On April 18, 2009, the Housing Specialists participated in the citywide Great American Clean-Up, removing litter and debris from the Bancroft Hills neighborhood.
- On April 25, 2009, The Toledo Municipal Housing Court sponsored a Spring Clean-Up in the neighborhood surrounding Kenilworth and Fulton Streets, partnering with St. Vincent Mercy Medical Center and Grace Temple Church. Individuals from the following agencies volunteered at this spring event: Central Catholic High School, Toledo Police-Cherry Street Subdivision, Scott High School, AmeriCorps and Onyx. Giveaways included flowers, smoke detectors and informative literature. Volunteers planted flowers in yards in the neighborhood, as well as performed general clean-up.
- The Toledo Municipal Housing Court co-sponsored a garage demolition and clean-up on September 21, 2009 at a North Toledo residential home, partnering with AmeriCorps. The Housing Court provided a dumpster. All the garage debris was removed and the yard raked by the end of the day.
- On September 26, 2009, the Toledo Municipal Court Housing Specialists participated in the citywide "Fall Trash Bash," sponsored by the City of Toledo and Keep Toledo/Lucas County Beautiful. The Housing Specialists worked in the Bancroft Hills Neighborhood, removing debris from the area.

### **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 2010**

In 2010, 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 2010 over twenty contracts will be executed under the Code Violation Abatement Program, offering grant repair assistance to qualified homeowners.

## **Staff Summary**

The 2009 Housing Court staff consists of Judge C. Allen McConnell, Magistrate Alan J. Michalak, Standby Magistrates James E. Morgan, Rebecca K. Ligibel, Nicole Y. Fech, newly-appointed Standby Magistrate Catherine Hoolahan, 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.