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# ANNUAL REPORT – Chapter I

## COURT ADMINISTRATOR’S OFFICE

Pamela Roberts Hart  
Court Administrator

The Court Administrator’s Office was established in 1972 to relieve the Judges of day-to-day administrative responsibilities and to provide technical assistance for the planning, development and implementation 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; liaison with other governmental agencies, city divisions, the practicing bar and the public.

The Court Administrator reports directly to the seven Judges and is responsible for general supervision of the Judges Division Departments in addition to the Housing Specialists, Magistrates, 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.

Projects undertaken by the Court Administrator’s Office in 2001 encompassed the full range of functions and responsibilities mentioned above. Judge Arlene Singer was elected Presiding and Administrative Judge for a second one-year term beginning January 1, 2001. Judge Amy Berling and Judge Arlene Singer were each re-elected for six-year terms beginning January 1, 2002.

The Intensive Supervision Program (ISP) grant was renewed for another year. The Responsible Educated Drivers’ (RED) Program grant was renewed for another year and included service to Oregon, Sylvania and Maumee municipal courts. The RED Program Assistant position was approved by the Judges as a permanent position.

The Judges’ also approved two additional positions for the Court: Senior Housing Specialist and Human Resource Manager. The Senior Housing Specialist will be responsible for supervising the Housing Specialists and overseeing the implementation of Housing Court programs. The Human Resource Manager will be responsible for functions related to hiring and training employees and maintaining Judges’ Division staff personnel files.

In addition to completing the job analysis and job description for the position of Senior Housing Specialist, the Court Administrator’s Office also completed the job analysis and job description for the position of Intake Secretary (CDSP) and Deputy Bailiff. The Court Administrator’s Office worked with an outside vendor to complete the job analyses and job descriptions for all position in the Assignment Office. As the year ended, the Court Administrator’s

Office was working with an outside vendor to complete job analyses and job descriptions for all the positions in the Probation Department.

The Judges' Division replaced an aging x-ray machine that was being used for security screening for all individuals entering the building with a new state of the art machine. New guest chairs were also purchased for the Judges' chambers.

The Judges' Division installed computers for all officers in the Probation Department and the Magistrates. In addition, computers were also installed on the Judges' benches in Courtroom 3 (Felony Arraignment/Small Claims), Courtroom 4 (Misdemeanor Arraignment/Traffic) and Courtroom 9 (FED). The Law Clerk desks in Courtroom 3 and Courtroom 9 also received new computers.

This year the Judges' Division made a number of enhancements to the technology utilized by the Judges and staff. Web-based e-mail is now available to the Judges, Magistrates, and select court management personnel. The Court's new website at [toledomunicipalcourt.org](http://toledomunicipalcourt.org) is the Court's most recent effort to ensure that the public has access to a wide range of information regarding the Court and its operation, ranging from parking availability and hours of operation to job openings with the Judges' Division. In addition, the website provides access to the Judges' Case Assignment and Tracking System (CATS). This link to CATS permits police, attorneys, plaintiffs and defendants to look up trial dates and time for assigned cases through the Internet. This enhanced public access represents the continued implementation of caseflow management principals recommended in the CEG Study of the Court. Other measures to improve case flow management have included the assignment of a case to a specific Judge at the time of arraignment and the consolidation of all criminal cases involving the same defendant to a single Judge.

Training for Toledo Municipal Court staff was conducted throughout the year. Training available to staff in 2001 included stress management, effective communication, dealing with difficult people, effective time management, and professional telephone skills. Staff also participated in a number of off-site trainings and conferences. Additionally, software training for Microsoft Windows, Word, Excel and NORIS applications was provided.

Unit Supervisor Peggy Coleman was promoted to Assistant Chief Probation Officer. Robert Waggoner was promoted to Probation Unit Supervisor. Randolph Nelson was hired as Probation Unit Supervisor. Lori Donovan, Catherine Freeh, Sean O'Connor, and Markus Whitehead were hired as Probation Officers.

Shirley Goodar was hired as the RED Program Assistant.

Small Claims Supervisor Mike McMurray was promoted to Law Clerk for Judge Singer. Small Claims Assistant Rob Eshenbaugh was hired as Judge Dartt's Law Clerk. Shelly Green was hired as Small Claims Assistant.

Resignations included Law Clerks Tonya Carr and Robin Worline, Housing Specialist Jim Hunter, Probation Secretary Carol Pomoroski and Small Claims Assistants Antonio Scarlato, Nathan Litwin, Jon Jensen, Owen Dunn, Jr., Tracey Frey, and Christopher Frederick. Probation

Officer David Krzyminski and Probation Secretary Ruth Blankerts retired. Also retiring this year were Civil Bailiffs John Conners and Ken Rejent. Sadly, Civil Bailiff Raymond Denner passed away in November.

The Court Administrator's Office continued in 2001 to serve as a facilitator for Magistrate and Court staff video conferences 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 High School Mock Trial Competition. As an appointed member of the Lucas County Community Corrections Board, the Court Administrator serves as Chairperson of the Ad Hoc Electronic Monitoring Committee. The Court Administrator is also an appointed member to the Regional Community Correction Board, consisting of those counties participating in CCNO. In addition, in 2001, the Court Administrator was President of the Ohio Association of Court Administrators and serves as the Court's representative on various boards and committees.

The Court Administrator's staff is comprised of Deputy Court Administrator Lisa Falgiano, Business Officer Barbara Hunter, and Judges Secretaries Connie Sapp, Patricia North, Diana Jensen and Judy Heslet. The position of Chief of Management Information Systems and Research is currently vacant.

## **ANNUAL REPORT – Chapter II**

### **CLERK OF COURT**

Margaret B. Thurber  
Clerk of Court

### **GENERAL REPORT**

Prepared By  
MARGARET B. THURBER, CLERK

The total revenue collected for the year 2001 in the Toledo Municipal Court, Clerk's Office totaled \$5,174,048.92. In the year 2000 the receipts totaled \$5,595,514.19, for a decrease of \$421,465.27.

The City of Toledo General Fund received the sum of \$873,318.08 from the Civil Division of the Clerk's Office; the sum of \$2,525,616.98 from the Criminal/Traffic Division of the Clerk's Office and the sum of \$30,357.16 from interest on Certificates of Deposit and Concentration Accounts from both the Civil and Criminal/Traffic Divisions for a total of \$3,429,292.22 and for a decrease of \$343,480.85 The total in 2000 was \$3,771,773.07.

The total case load for the Clerk's Office for the year 2001 was 96,794 compared to 107,752 in 2000, for a decrease of 10,958.

A complete and detailed report on the operation for the year 2001 of the Criminal/Traffic and Civil Divisions of the Toledo Municipal Court, Clerk's Office follow.

TOLEDO MUNICIPAL COURT

TRUSTEESHIP DIVISION

	<b>2001</b>	<b>2000</b>
<b><u>TRUSTEESHIP ACCOUNTS FILED:</u></b>	136	74
<b><u>ACCOUNTS DISBURSED:</u></b>		
<b>Paid in Full</b>	<b>21</b>	<b>18</b>
Paid on Active Accounts	188	186
Canceled	60	67
Bankruptcy	1	1
Reinstated	0	0
Reactivated	7	12
Other terminations	14	17
Voluntary Cancellations	5	0
<b>TOTAL</b>	432	375

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Payments made by debtors into Trusteeship Accounts	\$ 226,300.47	\$ 200,416.41
Disbursements of debtors' Funds to Creditors	\$ 230,247.83	\$ 214,230.32
Checks issued	1,052	1,647
Motions filed for Additions to Trusteeship	58	31
Copies	0	0
Open and Active Accounts at Present	206	167

TOLEDO MUNICIPAL COURT

CIVIL DIVISION

**CIVIL BRANCH FILES:**

	<b>2001</b>	<b>2000</b>
<b>New Cases</b>	<b>14,280</b>	<b>14,279</b>
Certified Cases	541	469
Small Claims	2,739	2,614
Trusteeship	136	74
<b>TOTAL</b>	<u>17,696</u>	<u>17,436</u>

**REVENUE COLLECTED:**

Civil Costs Collected ( inc.Trusteeship Poundage)	\$ 669,805.51	\$ 659,914.92
Special Services	6,276.42	1,985.00
Certified Mail	129,993.42	124,941.50
Repurchase interest	11,766.95	13,641.80
Legal Research	19,834.00	19,034.00
Clerk Computer Fees	126,687.66	122,692.00
State Legal Aid	306,745.58	293,166.00
Legal News	239,682.39	215,677.00
Judges Computer Fees	67,242.13	65,616.00
<b>TOTAL</b>	<u>\$1,578,034.06</u>	<u>\$1,516,668.22</u>

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**REVENUE DISBURSED:**

General Fund	\$ 873,317.48	\$ 786,841.42
Interest on Securities	11,766.95	13,641.80
Computer/Legal Research Fund	146,521.66	207,342.00
State Treasurer-Legal Aid	306,745.58	293,166.00
Toledo Legal News	239,682.39	215,677.00
<b>TOTAL</b>	<u>\$1,578,034.06</u>	<u>\$1,516,668.22</u>

**CIVIL BRANCH ACTIVITIES:**

Transcripts	85	95
Certificates of Judgment	3,165	2,705
Revocations	166	141
Executions	311	305
Garnishees	13,953	13,974
Motions	2,514	2,297
Restitutions	5,279	4,999
Revivors	187	27

TOTAL	25,660	24,543
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TOLEDO MUNICIPAL COURT  
CRIMINAL/TRAFFIC DIVISION

<b><u>NEW CASES:</u></b>	<b>2001</b>	<b>2000</b>
<b>Traffic</b>	<b>51,002</b>	
<b>60,981</b>		
<b>Criminal</b>	<b>28,096</b>	<b>29,335</b>

TOTAL	79,098	90,316
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**REVENUE COLLECTED:**

Traffic	\$1,391,393.33	\$1,662,693.39
Liquor	4,847.00	11,385.56
Criminal	242,496.81	308,998.95
Drugs	81,246.45	52,053.00
Costs	1,689,093.09	1,812,668.58
Miscellaneous	28,009.58	44,950.32
Bond Forfeitures	13,942.50	16,336.00
Concentration Account	18,590.21	32,106.56
Over payments	26,077.89	25,800.11
Judges Computer Fees	100,318.00	111,853.50

TOTAL	\$3,596,014.86	\$4,078,845.97
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**REVENUE DISBURSED:**

General Fund	\$2,525,616.98	\$2,939,183.29
Lucas County Treasurer	92,841.65	113,435.73
Treas. of State ( 50% Liquor)	2,423.50	5,692.78
Treas. of State (45% Traffic)	3,383.55	4,473.45
Treas. of State ( State Gen. Fund)	371,998.00	414,350.50
Treas. of State (Vic. Of Crimes)	304,603.22	339,072.00
Ottawa Hills	31,381.00	34,400.00
Ottawa Hills-LEEF/Drug Fund	1,702.50	1,265.00
Lucas County Law Library	9,372.75	2,236.70
Department of Natural Resources (Watercraft Division)	1,680.00	1,520.00
(Wildlife Division)	779.00	615.00
State Pharmacy Board	1,014.00	573.50
Interest on Securities	18,590.21	32,106.56
Over Payments	26,077.89	25,800.11
Treas. of State Seat Belts	57,868.75	5,999.25
Humane Society and MCO LEEF	225.00	600.00



Lucas County Law Enf. Drug Fund	14,507.36	2,904.40
Lucas County Sheriff LEEF/Drug Fund	3,774.50	2,379.20
OSP LEEF/Drug Fund	435.00	615.00
University of Toledo LEEF/Drug Fund	695.00	650.00
Washington Township LEEF/Drug Fund	490.00	1,950.00
LEEF-NW Ohio Dev.	-0-	100.00
Child Restraint Law	70.00	97.50
Liquor Board Drug Fund	55.00	190.00
BMV Fee	26,067.00	36,774.00
Appeals	45.00	-0-
Judges Computer Fees	100,318.00	111,853.50
L.C. Man Drug and Wtctf	-0-	8.50
TOTAL	<u>\$3,596,014.86</u>	<u>\$4,078,845.97</u>

Activity levels in the Clerk of Court's office continued to be at a high level with nearly 100,000 new filings. Criminal filings were 28,096 and Traffic filings were 51,002 for a total of 79,098. Activity in the Civil Branch increased to 25,660 filings. The combined filings represent a decrease of 10,101 filings, or 8.8%.

Court receipts for 2001 reflect the decreased filings. Total receipts for 2001 were down \$421,465.27 or 7.5% and revenue to the City of Toledo General Fund was down \$413,566.31 or 14.1%.

A significant amount of personnel and time continued to be devoted to the migration of the Clerk's portion of the criminal justice computer systems at NORIS (Northwest Ohio Regional Information Service). The migration is the number one priority in the Clerk's office because it is a replacement of two systems currently being used to keep the record of the Court with a single computer system which will be the official record of the Court. This project, begun late in 1998, is divided into five modules. In 1999, the Clerk's office completed the specification documents for Module One – Criminal/Traffic Case Initiation, Module Two – Civil Case Initiation and the majority of Module Three A – Criminal/Traffic Case Updating. In 2000, the Office went live with Modules One and Three A. The remaining modules are: Module Three B – Civil Case Updating, Module Four – Reports and Module Five – Financials.

With the implementation of the new computer system, users of the court have seen a dramatic increase in the level of service provided by the Clerk's office. The system allows Deputy Clerks to immediately update all cases upon return the case files to the office. This has allowed for all Criminal/Traffic cases to be processed and updated within 24 hours. The system has also allowed for greater and quicker access to public records. The time required to query cases, either by phone, in person, or over e-mail has been significantly reduced. Most inquiries can be handled in a matter of hours, instead of the few days it used to take.

In 2001, the Clerk's office completed Module Four – Reports and completed the preparation to go live with Module Three B in the Civil Division on January 2, 2002. The final stage of the migration plan is to integrate all financial record keeping on the system. Module Five is scheduled for completion in 2002.

In May 2000, the Clerk launched the office's website, [www.tmc-clerk.com](http://www.tmc-clerk.com). Since then, the Clerk has continually updated the website to reflect new procedures, court costs, and an updated map of downtown. Additionally, as promised, the Clerk added an Online Payment option for payment of fines and costs. In only six months, the online payment option received 200 payments totaling \$15,472. We have also upgraded the Daily Docket feature to allow for the search of not only the current days docket, but also the dockets for 3 days prior and 14 days from the current day allowing for 18 days search capabilities. Planned upgrades for 2002 include putting Civil Forms online to be downloaded. In 2003, Dial-in Access will be made available in the Civil Division of the Clerk's office.

In May, the Clerk was elected First Vice-President of the Ohio Association of Municipal Court Clerks. At that meeting, the Clerk received her Professional Clerk Certification award. The

Clerk was one of only 20 from across the state to receive this distinction. She was also selected to publish the OAMCC's quarterly newsletter, The Informer.

The Clerk serves, by virtue of her position, on the Criminal Justice Coordinating Council (CJCC) and is also a member of the NORIS Advisory Board Executive Committee, Chairman of the CJCC Personnel Committee and Chairman of the Violence Against Women Act Grant Allocation Committee. Throughout the year, the Clerk continued to meet with the other municipal Court Clerks in Lucas County to discuss issues of mutual concern.

The Clerk and TTWISEU District 2A came to terms on a three-year contract. The negotiations were amicable and were able to be completed well before the end of the contract.

The Clerk of Court, her managers and her employee members of TTWISEU District 2A and AFSCME Local 3411 continued to work together to improve the degree of service provided by the office through increases in efficiency and innovations in procedures. The progress made in the Clerk's office in 2001, especially considering the continued large caseload and work on the migration, would never have been possible without the dedication of all deputy clerks. Their willingness to devote extra effort to their daily duties, coupled with their diligence and enthusiasm for improvement, made it possible for the Clerk's Office to handle the high level of work while complying with our statutory responsibilities. The achievements of the past year and our preparation for 2002 would not have been realized without the cooperation of all employees working together for the good of the Office and the people we serve.

## ANNUAL REPORT – Chapter III

### ASSIGNMENT COMMISSIONER'S OFFICE

Karen E. Wood  
Assignment  
Commissioner

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

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

In 2001, the Office continued to streamline the new Clerk Assignment system as begun in 2000. A job analysis was performed for each position in the office. Based on the increased responsibility associated with assigning each clerk to a particular judge on a rotating basis, the pay grade for the assignment clerks was recommended for an increase from a 6 to a 7.

The figures for 2001, with comparison figures, are as follows:

Category	2001	2000
A. Cases Assigned		
Criminal/Traffic Assignments	20,358	21,879
Civil Assignments	1,993	1,991
B. Cases set for Trial		
Criminal/Traffic Trials	9,487	13,741
Civil Trials	1,765	1,770
Criminal/Traffic Trial Resets	8,875	9,277
C. Pretrial – Criminal/Traffic	8,184	10,735
Pretrial Resets	566	575
Mandatory Jury Pretrials (MJPT)	212	299
D. Preliminary Hearing/Felony Arraignment Docket	8,024	8,071

E. Jury Trials Set (Crim/Traff/Civil)	509	559
F. Bureau of Motor Vehicle Hearings	24	89
G. Evictions	5,651	5,198
H. Housing		
Criminal Housing Arraignment Docket	4,516	4,023
Criminal Housing Trials	206	108
Civil Housing (Not a Draw)	421	498
I. ALS/Innocent Owner Hearings	71	99

**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 2000 and 2001 per individual Judge:

2000	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
McConnell	30	37	17	19	26	44	21	61	46	57	50	34	442*
Dartt	11	23	34	27	18	28	24	19	12	24	21	22	263
Trimboli	33	23	27	19	14	17	25	22	24	25	21	21	271
Berling	13	15	22	29	25	19	27	19	20	17	16	15	237
Osowik	18	19	24	35	22	22	26	21	14	29	22	19	271
Singer	15	14	16	12	26	22	27	35	16	24	20	20	247
Gorman	20	18	24	20	19	27	22	27	20	20	13	30	260
Total	140	149	164	161	150	179	172	204	152	196	163	161	1,991

2001	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
McConnell	29	28	36	34	48	47	16	23	30	39	33	58	421*
Dartt	20	22	22	24	22	19	29	28	19	27	19	21	272
Trimboli	17	22	22	22	23	25	27	28	15	23	25	16	265
Berling	15	13	21	18	21	18	16	24	22	34	21	23	247
Osowik	27	18	21	21	23	24	23	28	21	24	15	26	271
Singer	20	13	16	19	25	28	24	24	17	32	15	13	246
Gorman	21	16	24	19	23	28	26	22	25	23	25	19	271
Total	149	132	162	157	185	189	161	177	149	202	153	176	1,993

**Civil Cases Set for Trial:**

Month	2000	2001
January	166	155

February	139	107
March	142	187
April	146	179
May	153	179
June	166	150
July	106	118
August	152	165
September	140	111
October	173	140
November	119	136
December	168	138
TOTAL	1,770	1,765

**Civil Motions:**

A civil Motion is a preliminary pleading related to procedure and point of law. In 2000, **1,871** civil motions were processed and **140** were set for Oral Motion Hearing. In 2001, **2,064** civil motions were processed and **133** were set for Oral Motion Hearing.

Civil cases in which a jury demand is filed may be set for a Pretrial Conference. In addition, at the Court's discretion, civil cases may be set for a court pretrial without a motion on a request of a party.

**Civil Pretrials**

2000 481  
2001 847

**Civil Juries Set**

2000 182  
2001 170

**Mandatory Jury Pretrials**

2000 Not Tracked  
2001 44

**Evictions:**

2000 Evictions	Set/Reset	Judgments	Dismissals	On Desk/Continuances
January	290	145	118	27
February	343	167	137	39
March	428	179	189	60
April	268	149	89	30
May	473	236	169	68
June	466	238	161	67
July	531	271	165	95
August	607	301	208	98
September	429	223	154	52
October	519	255	186	78
November	429	208	149	72
December	415	181	164	72
Totals:	5,198	2,553	1,889	756

2001 Evictions	Set/Reset	Judgments	Dismissals	On Desk/Cont./Other
January	380	206	119	55
February	470	198	219	53
March	497	242	189	66
April	393	211	122	60
May	427	261	108	58
June	480	262	160	58
July	475	249	159	67
August	592	310	205	77
September	450	235	146	69
October	487	266	166	55
November	463	241	153	69
December	537	320	150	67
Total:	5,651	3,001	1,896	754

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
2000	8	7	8	5	4	11	19	19	16	21	15	15	148
2001	12	10	7	10	5	5	11	5	4	14	7	9	99

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

A Magistrate schedules BMV cases for Hearing.

2000 – 89 cases were set for Hearing.

2001 – 24 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. After a judge is assigned, the Assignment Commissioner’s Office is responsible for setting all pretrials and trials within time limits set forth in § 2945.71 R.C. As of 2000, all cases are set for a pretrial when statutory time permits.

**Criminal/Traffic Assignments:**





**2000 Jury Trials (Criminal/Traffic/Civil):**

Month	Crim/Traff	Civil	Ordered	Used	No Jurors
Jan.	42	15	1	0	0
Feb.	37	13	0	2	0
March	32	9	0	0	0
April	21	10	0	0	0
May	31	13	1	2	0
June	29	15	0	1	0
July	23	22	1	0	0
Aug.	34	15	0	1	0
Sept.	43	22	1	2	1
Oct.	27	19	1	1	1
Nov.	27	13	2	2	0
Dec.	31	16	0	0	0
Total:	377	182	7	11	2

**2001 Jury Trials (Criminal/Traffic/Civil):**

Month	Crim/Traff	Civil	Ordered	Used	No Jurors
January	46	22	6	4	0
February	29	9	3	3	0
March	28	17	1	0	0
April	20	13	3	3	0
May	27	15	2	2	0
June	30	17	2	2	0
July	21	20	0	0	0
August	31	20	5	4	0
September	24	11	2	1	0
October	38	10	5	2	0
November	24	12	5	4	0
December	21	4	2	1	0
Total:	339	170	36	26	0

2000 Criminal /Traffic Trials: 13,741  
2001 Criminal/Traffic Trials: 9,487

**2000 Criminal/Traffic Pretrials:**

McConnell	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Set	97	116	119	92	82	101	70	93	87	103	84	111	1,155
Reset	10	2	11	5	5	8	1	4	7	7	6	0	66

Dartt													
Set	134	129	150	157	128	154	109	138	132	112	118	120	1,581
Reset	2	4	6	9	6	5	9	3	1	9	9	3	66
MJPT*	3	7	2	2	9	3	2	8	5	9	5	2	57
Trimboli													
Set	128	143	166	112	124	134	108	121	109	103	115	125	1,488
Reset	2	14	5	2	13	3	6	3	2	11	6	4	71
MJPT	5	3	7	4	10	17	14	4	8	8	1	4	85
Berling													
Set	143	128	162	122	141	140	165	124	116	109	111	105	1,566
Reset	14	11	8	10	17	10	28	7	4	13	3	9	134
MJPT	10	5	1	7	1	2	3	0	3	2	1	0	35
Osowik													
Set	136	128	134	148	109	237	148	123	134	109	103	111	1,620
Reset	3	8	5	2	6	3	5	11	3	5	0	2	53
MJPT	1	8	3	1	5	9	9	2	6	2	2	0	48
Singer													
Set	139	133	134	135	106	239	135	137	137	129	92	124	1,640
Reset	29	12	10	9	8	3	3	7	10	3	9	6	109
MJPT	7	6	7	4	7	9	9	5	4	5	6	5	74
Gorman													
Set	130	136	146	118	143	123	249	120	110	137	129	144	1,685
Reset	7	2	12	6	6	7	5	10	8	5	5	3	76

**2001 Criminal/Traffic Pretrials:**

McConnell	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Set	57	58	79	50	85	69	80	71	77	63	56	64	809
Reset	6	3	5	4	6	6	14	2	11	12	3	10	82
Dartt													
Set	65	65	96	81	102	100	86	75	71	101	70	64	976
Reset	9	0	3	12	3	14	12	4	5	2	13	8	85
MJPT	5	2	3	7	2	2	3	3	2	5	4	6	44
Trimboli													
Set	123	104	119	126	143	125	137	140	121	132	115	111	1,496
Reset	8	3	3	6	7	3	3	8	8	6	5	4	64
MJPT	5	7	5	1	8	8	6	2	2	5	0	7	56
Berling													
Set	87	129	149	146	182	113	113	108	94	115	86	80	1,402
Reset	4	8	7	13	12	8	4	10	3	4	5	3	81
MJPT	1	1	6	4	3	5	12	3	1	6	0	0	42

- MJPT-Mandatory Jury Pretrials

Osowik														
Set	93	88	82	96	87	82	79	73	78	85	77	74	994	
Reset	1	1	2	0	5	2	2	1	6	1	8	5	34	
MJPT	1	5	3	3	2	2	1	6	3	1	4	2	33	
Singer														
Set	125	113	164	144	153	132	121	120	117	137	120	112	1,558	
Reset	7	2	7	6	10	20	5	11	4	14	7	12	105	
MJPT	6	1	3	6	2	10	0	5	2	1	1	0	37	
Gorman														
Set	67	77	95	74	85	81	92	83	76	86	72	61	949	
Reset	10	5	12	6	5	6	15	6	24	10	7	9	115	
Total Set:													8,184	
Total Reset:													566	

**2001** Total Pretrials Set: 8,184  
Total Pretrials Reset: 566  
Total Jury Pretrials: 212

**2000** Total Pretrials Set: 10,735  
Total Pretrials Reset: 575  
Total Jury Pretrials: 299

**2000**

Totals of Traffic/Criminal sets, resets, pretrials, Pretrial resets and jury pretrials: 34,627 Cases

**2001**

Totals of Traffic/Criminal sets, resets, pretrials, Pretrial resets and jury pretrials: 26,758 Cases

**Goals and Objectives:**

In 2002, the Assignment Office plans to implement Local Rule 9, which calls for all assigned cases to be physically held in the Office. Plans are also underway to provide additional case event notification to victims of domestic violence. This notification, which is not required under the law, would be in addition to domestic violence victim notification statutorily required by the Prosecutor’s office and the Clerk’s office. We also plan to continue to streamline the Case Assignment and Tracking System and the Assigned Clerk system. The current staff consists of:

- Karen E. Wood, Assignment Commissioner
- Kathy Large, Assistant Assignment Commissioner
- Terri Burke, Assignment Clerk
- Joyce Straka, Assignment Clerk
- Valerie Hobbs, Assignment Clerk
- Wanda Butts, Assignment Clerk
- Laura Burnham, Assignment Clerk

## ANNUAL REPORT – Chapter IV

### CIVIL BAILIFF

Jerry Gray  
Chief Bailiff

The Civil Bailiff Department serves all legal documents associated with Toledo Municipal Court cases as required by law. The Ohio Revised Code and local Court rules requires a party to be served personally. The Civil Bailiff Department also files a return or disposition with the Civil Branch of the Clerk of Court's Office.

The Civil Bailiff Department provides valuable assistance to those who have obtained judgments by assisting them in enforcing their judgments through such means as wage garnishments or other personal property attachments. Court ordered evictions are personally supervised by the Civil Bailiffs. Civil Bailiffs also recover personal property unlawfully held and conduct sales of judgment debtor's property to provide funds to satisfy awards.

The Civil Bailiff Department has seen a number of changes during 2001. We have experienced the retirement of two Bailiffs during the first part of the year and the death of another Bailiff towards the end of the year. John Connors and Ken Rejent retired after 31 and 34 years (respectively) of service. Sadly, Ray Denner passed away in late November. This, coupled with an increase of 15.8% requests for our service, challenged our staff as the year closed.

In 2001:

- Over \$337,000 was collected on executions with two (2) Bailiff Sales conducted. This amount represents an approximate 40% increase over the amount collected in 2000.
- The South District continued to handle all Bench Warrants and collected over \$48,000.
- There was an increase in Summons, Proceeding in Aid, Bench Warrants and a substantial increase in actions of Forcible Entry & Detainer (F.E.D.)

In 2001 the Civil Bailiff Department served 40,555 court orders. A complete breakdown of department statistics is on the following pages.

Our goals for 2002 include:

- Filling the Civil Bailiff Department vacancies.
- Completing training on the new computer system in the Clerk's Office.

- Increasing the efficiency and timeliness of the Civil Bailiff Department's operations.

The Civil Bailiff Department is looking forward to 2002 during which time we expect an increased demand for our services.

The Civil Bailiff Department consists of:

Chief Bailiff Jerry Gray  
 Assistant Chief Bailiff Michael Kessler  
 Road Supervisor Loretta Fillman  
 Deputy Bailiff John Birmingham  
 Deputy Bailiff Marion Cary  
 Deputy Bailiff Yvonne Harper  
 Deputy Bailiff Diana Irish  
 Deputy Bailiff Richard Leasor  
 Deputy Bailiff Michael Isenberg  
 Deputy Bailiff Charon "Butch" Ritter  
 Deputy Bailiff Ralph Williams

#### CIVIL BAILIFF DEPARTMENT STATISTICS

	<u>2001</u>	<u>2000</u>
Summons – Received	3,616	3,403
Summons – No Service	132	108
Proceeding in Aid – Received	1,938	1,704
Proceeding in Aid – No Service	810	742
Subpoenas – Received	635	729
Subpoenas – No Service	111	110
Bench Warrants – Received	166	116
Bench Warrants – Returned want of assistance	100	50
Bench Warrants – Outstanding	19	19
Garnishees – Respondents Served	10,680	11,891
Garnishees – Defendants Served	6,990	8,714

Garnishees – Mail Service (To notify Defendants on bank account attachments in accordance with federal law)	2,785	2,838
Garnishees – Foreign Service (Mail to Respondents outside of Lucas County)	606	570
Garnishees – No Service	299	339
	<b><u>2001</u></b>	<b><u>2000</u></b>
Landlord Complaints	7,094	6,476
Landlord Complaints – No Service	180	160
Writ of Service		
Served	2,915	2,525
Returned for want of assistance	2,123	1,791
Returned for request of plaintiff	149	129
Cause to vacate	280	234
Evicted	363	371
Writ of Restitution – Mailed 5 Day Notice	2,915	2,525
Execution – Worked	211	209
Replevin – Worked	2	2
Bailiff Sales Held	2	0
Total Legal Documents Processed	40,555	34,223
Money caused to be collected on		
Execution	\$327,532.76	\$240,247.74
Bench Warrants	\$ 48,849.46	\$ 99,664.44
Total	\$376,382.22	\$339,912.23

## ANNUAL REPORT – Chapter V

### COURT REPORTERS

Sandra J. Ackerman  
Chief Court Reporter

The Court Reporters of the Toledo Municipal Court are responsible for the production of verbatim stenographic records of preliminary hearings and of all trials in the traffic, criminal and civil branches of the Court. We also provide records of motions, arraignments, sentencings, 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 and exhibits are kept five years and then destroyed.

A Transcript of Proceedings is the finished product of our 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.

The Court Reporters continue to use tape recorders in Criminal and Traffic Arraignment Court and Duties Court, both non-trial courtrooms. This method of recording is supported by the Judges and provides a substantial savings to the Court. Outside court reporting services are used when conflicts in scheduling occur.

Each Judge, when in their own courtroom, has one jury day per week and there are generally five or six jury trials scheduled on 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 case would have to 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.

There were twenty-three actual jury trials in 2001 and ten actual jury trials in 2000. The following is a breakdown of the jury trials presided over by each respective Judge.

<b>2001</b>	<b>2000</b>
Judge Amy J. Berling – Jan and Dec	Judge Amy J. Berling – Sept
Judge Denise A. Dartt – Jan and Nov	Judge Denise A. Dartt - None
Judge Francis X. Gorman – Jan, Feb, April	Judge Francis X. Gorman –
None	
June, July and Nov	
Judge C. Allen McConnell – Jan, Aug,	Judge C. Allen McConnell –
May, June	
October (2) and November	and November (2)
Judge Thomas Osowik – April, Aug, Sept	Judge Thomas Osowik – Aug

Judge Arlene Singer – April, May, June  
May  
Judge Mary G. Trimboli – Feb and Aug  
and Sept

Judge Arlene Singer – Feb and  
Judge Mary G. Trimboli – Feb

In the year 2002, the goal for Court Reporters is to produce transcripts quicker by increasing our proficiency in using our computer-aided transcription software.

There are seven Court Reporters at Toledo Municipal Court, each assigned to a specific 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; Deborah R. Bowen, assigned to Judge C. Allen McConnell; Barbara A. Johnson, assigned to Judge Mary Grace Trimboli; Patricia Lindsey-Schmidlin, assigned to Judge Thomas Osowik; Kenneth P. Gallaher, assigned to Judge Arlene Singer; Mary Hill, assigned to Judge Francis X. Gorman and Lori DeVaul assigned to Judge Denise A. Dartt.



## ANNUAL REPORT – Chapter VI

### LAW CLERK/BAILIFFS

Tonya Carr  
Chief Courtroom Bailiff

The Law Clerk/Bailiff Department is comprised of seven full-time employees, each assigned to an individual Judge of the Toledo Municipal Court. The Law Clerk/Bailiff works closely in and out of the courtroom with their respective Judge, and solely at that Judge's discretion.

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 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 defendants are in custody.

Outside of the courtroom, Law Clerks/Bailiffs may research the law for their Judge, make appointments, and explain or mediate legal or procedural problems to other court personnel. Such close contact with the Judges and various attorneys is an invaluable experience for the Law Clerk/Bailiff.

Another responsibility includes the keeping of records of assigned cases as required by the Ohio Supreme Court Rules of Superintendence. These records are submitted to the Ohio Supreme Court every month. This report includes statistics of cases that are assigned to each Judge for trial. The monthly report also categorizes cases by case type (e.g., traffic, criminal, contracts, etc.) and how each case is terminated (e.g., no contest plea, dismissal, bench warrant, 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 used for trials.

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

In accordance with the Ohio Supreme Court's directives, the Law Clerks, with the help of other court personnel, assist with a physical inventory of all criminal, traffic, and civil cases that have been assigned to the individual Judges. The Law Clerks then take the records from the physical inventory and compare them to their individual records to establish a baseline and count of assigned cases currently pending for the seven Judges.

## ANNUAL REPORT – Chapter VII

### CITIZENS DISPUTE SETTLEMENT PROGRAM

James Petas  
Acting Senior Counselor

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, 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.

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, a "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 \$12.00 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 \$12 filing fee. The endorser may also arrange a payment plan through the Check Resolution Service. 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.

In 2001 Citizens Dispute Settlement Program remained committed to providing the Toledo Municipal Court and community with excellence in mediation. This goal is evidenced by the Court's, and CDSP's, commitment to quality training. In 2001, CDSP staff....

- ....participated in continuing education. Nancy Rank attended the National Judicial College "Civil Mediation Seminar" in Reno, Nevada, while Bonnie Schrock is scheduled to attend in June 2002. James Petas completed 24-hours of mediation training with the Supreme Court of Ohio.
- ....provided training to our volunteer attorney mediators through the annual Toledo Bar Association mediation seminar.
- ....collected and reviewed mediation evaluations.

CDSP and the University of Toledo Law School 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 on the dynamics of mediation and how to access our service.

Lastly in 2001, a new system was designed and implemented to increase accuracy of annual reporting. The system tracks agreement percentages reached by our staff and more than 92 volunteer mediators. Listed below are the percentages of cases that reached a successful resolution:

<u>Type Of Case</u>	<u>Success Rate</u>
Civil cases:	70%
Adjudicated:	76%
Pre-Adjudicated:	90%
Housing:	78%
Small Claims:	66%

Statistics for 2001, with statistics from 2000 for comparison, are provided below.

<u>Dispute Resolution- Case Types Referred</u>	<u>2000</u>	<u>2001</u>
Assault	108	103
Menacing	143	166

Criminal Damage	49	61
Theft	41	59
Harassment	49	30
Neighborhood Dispute	42	25
Telephone Harassment <sup>1</sup>	0	27
Criminal Trespassing <sup>1</sup>	0	15
Landlord/Tenant <sup>1</sup>	0	7
Stalking <sup>1</sup>	0	11
Other	90	88

<sup>1</sup>Please note that some data for 2001 is included for the first time. Therefore, no comparable data exists for 2000.

Civil Case Mediation Results	2001
Total Referred	111
Mediation: Agreement	60
No Agreement	26
CDSP involvement/No mediation	19
Pending	6
Mediation Agreement %	70%

<b><u>Adjudicated Case Mediation Results</u></b>	<b><u>2001</u></b>
Total Referred	73
Mediation: Agreement	42
No agreement	13
FTA to Notice	1
CDSP involvement/No mediation	12
Pending	5
Mediation Agreement %	76%

Pre-Adjudicated Mediations	2001
Total referred	526
Mediation: Agreement	228
No agreement	24
FTA to notice	139
CDSP involvement/No mediation	98
Make File Only	18
Pending	19
Mediation Agreement %	90%

<b><u>Housing Mediations</u></b>	<b><u>2001</u></b>
Total referred	119
Mediation: Agreement	59
No agreement	17
FTA to notice	4
CDSP involvement/No mediation	33

Pending	6	
Mediation Agreement %	78%	
<b><u>Small Claims/Same Day Mediation</u></b>	<b><u>2000</u></b>	<b><u>2001</u></b>
Total referred	145	130
Mediation: Agreement	99	87
No agreement	46	43
Mediation Agreement %	68%	66%
<b><u>Check Resolution Mediations (CRS)</u></b>	<b><u>2000</u></b>	<b><u>2001</u></b>
Total referred <sup>1</sup>	919	630
Funds generated <sup>1</sup>	11,028	7,560
Total number of cases referred (Minus CRS)	999	954

Through additional mediation education, Citizens 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 looking for more opportunity in the court process to mediate. Of the hundreds of post mediation evaluations collected, 89% were happy with the mediation process and would recommend it to others. The department remains committed to making mediation more available and user friendly to the court.

The Citizen Dispute Staff consists of Senior Counselor James Petas, Counselors Bonnie Schrock and Nancy Rank (who job share one position) and Intake Secretary Linda Reese, who joined the staff at the end of the year.

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<sup>1</sup> CRS figures decreased in 2001 due to Cub Foods and Churchill's Supermarkets closing. Both chains were the top users of the check resolution service. The replacement chains use an alternative method of check recovery.

## **ANNUAL REPORT – Chapter VIII**

### **PROBATION DEPARTMENT**

Floyd V. Simon  
Chief Probation Officer

#### **DEPARTMENT DESCRIPTION**

The Probation Department exists under the authority of the Toledo Municipal Court Judges. The mission of the Probation Department is to provide, in a fair and timely manner, services to the Judges, the community, and the defendant 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 DIP Program is available to any resident of the general area that needs to complete such a program under court order. The Program serves clients from many other courts in Ohio as well as some from other states. In addition, the Probation Department services have been offered to the Municipal Courts of Maumee, Oregon, Perrysburg, and Sylvania; thus, the service area goes beyond the geographic limits of the court.

The Probation Department is organized into Units with supervisors over each unit. The overall management of the department rests with the Chief Probation Officer, Floyd V. Simon. Daily operation and coordination of the Units falls to the Assistant Chief Probation Officer, Peggy J. Coleman. The Chief is a member of the Ohio Chief Probation Officers Association.

#### **SERVICES PROVIDED**

The Probation Department provides several services to the court in handling criminal and traffic cases. Probation Officers are responsible for providing a presentence report that includes background information on a defendant and information on his/her offense. This information is used by the court in determining appropriate sentencing. Probation becomes involved in requests for restitution, drug testing, competency evaluations, electronic monitoring, 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 this is done 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.

The department is organized into three units. Each unit contains a number of Officers and a Unit Supervisor. Dave Krzyminski, Probation Officer, and Ruth Blankerts, Secretary, both retired in January. The Court promoted Robert Waggoner to Unit Supervisor in February and hired

Randolph Nelson as a Unit Supervisor in March. Also in March four new Probation Officers were hired, three to fill vacant positions and one to fill a new position. The new Probation Officers are Cathy Freeh, Sean O'Connor, Lori Donovan, and Markus Whitehead. One secretarial position remains vacant. At year's end the Probation Officers are organized into three units. One unit is headed by Joe Moran as the supervisor with Anthony Bouyer, Cathy Freeh, Mark Klapper, Sean O'Connor, and Charles Pfeifer as Officers; another unit is lead by Robert Waggoner with Officers Jennifer Kott, Eddie Norrils, Divina Pappas, Charlotte Spoon, and Markus Whitehead. The third unit is headed by Randolph Nelson and has Officers Lori Donovan, Laura Palmerton, Kenneth Roberts and Megan Stevens. Kerry Konzen serves in a specialized position that is funded by a grant from the State of Ohio, Bureau of Community Sanctions and operates an Intensive Supervision Program. Ms. Konzen reports directly to the Chief Probation Officer.

The Units all handle presentence referrals and referrals for restitution, drug testing, competency evaluations, and Work Release referrals. These supervisors and officers are also responsible for overseeing probation supervisions ordered by the court. Unit Supervisors oversee the special programs that meet the needs of the defendant and the court by offering non-traditional sentencing options. The special programs include the Drivers' Intervention Program (DIP), Alternatives Program, and the Community Service Probation Program (CSPP). DIP is geared towards first offender DWI clients and involves them in an intervention and education program to help identify problem drinkers and refer them to treatment sources. The DIP Program is certified by the Ohio Department of Alcohol and Drug Abuse Services. This program will need to re-certify next year for three more years. The Alternatives Program provides a diversion option to criminal first offenders through an educational program. The CSPP program addresses the needs of the court, the community, and the defendant by providing defendant's an opportunity to do community service work in lieu of fines or jail time.

Jennifer Kott, Eddie Norrils, Divina Pappas, and Tina Spoon handle referrals for the Alternatives Program and facilitate the group sessions. 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.

The Support Services Unit provides secretarial and clerical support for the department. Barb Cameron supervises this unit. The secretaries now within the department are Mary Baker, Cindy Hoff, Darlene Jimenez, Chris Marti, Mary Ann Ramsey, and Valerie Waggoner.

## **ACCOMPLISHMENTS**

A major accomplishment this year was filling a number of vacant positions within the department. In February, Robert Waggoner was promoted to Unit Supervisor filling a position made vacant by the retirement of John Flahie. In March, Randolph Nelson came on staff as a Unit Supervisor filling the other vacancy in the management team. Four new Officers also began service with the Court in March. They are Cathy Freeh, Sean O'Connor, Lori Donovan, and Markus Whitehead. This leaves the department with only one vacancy, a secretarial position. That position is being filled on an interim basis with a temporary worker.

The Court has contracted with J. L. Nick Inc. to rewrite the Probation Department's job descriptions and complete a full job analysis of all positions within the department. The project will be completed early next year and is being funded through probation fees.

The department achieved a major goal this year in obtaining computers for all the Probation Officers. Computers are now on every desk in the department. The next step is the development of case management software which will enhance the department's efficiency and improve service delivery.

In addition to the probation fees funding the job analyses, they have also funded staff training. The department is establishing a rotating schedule that will allow all professional staff to attend statewide conferences every other year. Probation fees were also used to purchase some training tapes and other materials for the office. Additionally, the workspace at the receptionist's front desk was redesigned and new furniture was purchased through probation fees. Finally, the probation fees were used to cover the cost of destroying documents pursuant to the records retention schedule.

The general policy review committee looked at a number of areas and made changes to clarify some policies. There was a reordering of the policies so that the flow was more logical. The committee also made several recommendations for the new committee to address next year.



**STATISTICAL REPORT**

INTAKE SERVICES

TRAFFIC	CRIMINAL	TOTAL
2000-1,047	2000-2,693	2000-3,740
2001-698	2001-2,625	2001-3,323

SUPERVISION SERVICES

	<u>2000</u>	<u>2001</u>
Placed on Probation in year	4,188	4,020
Carried Over from prior yr.	<u>3,282</u>	<u>4,001</u>
Total Probation	7,470	8,021
Released/Terminated in year	3,208	3,676
Violations Pending	261	235
Current Probations end of year	4,001	4,110
Active Probations	2,640	2,653
Inactive Probations	1,361	1,367

**SPECIAL SERVICES**

**DWI PROGRAM:**

Scheduled:	Toledo	Sylvania	Oregon	Other	Total
2000	462	202	43	54	761
2001	374	217	30	53	674

Completed: 2000- Males 540 in 19 cycles, Females 181 in 6 cycles  
2001- Males 513 in 17 cycles, Females 155 in 6 cycles

**CSPP PROGRAM:**

	New assignments	Reassignments	Total
2000	1,214	522	1,736
2001	1,241	482	1,723

**INSURANCE FEES COLLECTED ON CSPP CASES:** 2000 - \$5,390.00  
2001 - \$6,041.00

<b>ALTERNATIVES PROGRAM:</b>	<u>2000</u>	<u>2001</u>
Carried over from prior yr.	281	331
Referred in year	472	421
Sealed in year	422	346
Carried into next yr.	331	406
<b>Total cases processed</b>	<b>753</b>	<b>752</b>

**INTENSIVE SERVICE PROBATION PROGRAM (ISP):**

	<u>2000</u>	<u>2001</u>
Placements	126	171
Successful Terminations	48	42

**DISTRICT COURT SERVICES PROGRAM:**

		Sylvania	Maumee	Oregon	Other	Total	
Referrals to Altern Pgm.	2000	88	14	0	21	123	
	2001	113	14	0	25	152	
Referrals to DIP Pgm.	2000	202	0	43	54	299	
	2001	217	0	30	53	300	
<b>Total Referrals</b>	2000	290	14	43	75	422	
	2001	330	14	14	30	78	452

**FINANCIAL DISBURSEMENTS**

	DWI	RESTITUTION	TOTAL
2000	\$92,690.00	\$73,967.75	\$166,657.75
2001	\$88,350.00	\$81,731.67	\$170,081.67

**PROBATION FEES**

	<u>2000</u>	<u>2001</u>
Collected	\$64,151.00	\$78,212.00
Dispersed	<u>1,121.53</u>	15,078.49
Carry over		<u>63,029.47</u>
Balance	\$63,029.47	\$126,162.98

## **GOALS FOR 2002**

The department plans to complete the job analysis early in the coming year and then make some staffing shifts as well as fill the vacant secretarial position. We are looking at ways of improving department operation with a focus on the assignment process. With this in mind, the Chief and Assistant Chief are planning visits to other large municipal courts in the coming year.

Probation plans to obtain case management software in the next year. This will be a significant move and will dramatically change the way business is conducted. This tool is essential for managing the high caseloads of officers and will contribute to a more efficient office. The case management software will replace the existing computer card system and will change the way data is managed.

Probation fees will be used for training to provide all officers the opportunity to attend statewide conferences. Other focuses for use of fees will be document management and making changes recommended by the Center for Effective Government.

## **SUMMARIZATION OF STAFF**

As of December 31, 2001, there were 27 staff people in the Probation Department. The officer staff consists of the Chief Probation Officer, Assistant Chief Probation Officer, 3 Unit Supervisors, and 15 Probation Officers. Support staff is made up of an Administrative Secretary and 6 Secretaries. One secretarial position is vacant, but the department has had the services of a temporary worker in that position.

## ANNUAL REPORT – Chapter IX

### HOUSING COURT

Judge C. Allen McConnell  
Housing Court

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 Environmental Court Judge to fill the vacancy created by the retirement of Judge Roger R. Weiher.

In addition to the Housing Court docket, the Housing Court Judge also handles his proportionate share of regular criminal and civil cases. He takes his turn, with the six other judges, by 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 matters that walk through the front door, 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 a civil docket and a criminal docket. The civil docket includes matters involving landlord-tenant disputes known as Forcible Entry and Detainer actions (FED's) and 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 any motions for stays of eviction or temporary restraining orders. They are taken to the Housing Court Judge at any time, regardless of the courtroom he may be in.

Each day, Magistrate Susan Hartman Muska hears all first causes of action in FED's (evictions), as well as rent escrow cases wherein tenants deposit rent into an escrow account with the Court because of a dispute with the landlord. The Magistrate's orders are submitted to the Housing Court Judge for approval. Any objections to the orders of the magistrate are referred to the Housing Court Judge for decision or hearing. Beginning in September 1993, in an attempt to expedite cases, the rent escrows are first referred to the Court's Citizen Dispute Settlement Program (CDSP) for possible resolution prior to a formal hearing.

Whenever an allegation of substandard or unfit conditions is raised at a rent escrow or FED hearing, an immediate referral is made to a Housing Specialist. In eviction hearings, a Housing Specialist may be appointed to investigate those specific conditions and other conditions constituting code violations. The property owner is 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 rent escrow cases, one of the Court's two Housing Specialists verifies that the conditions of the rent escrow are corrected. The property owner is assisted in setting up time frames for completion. Oftentimes, the Housing Specialist acts as a mediator between the property owner and the tenant to achieve a compromise for the particular problem.

In 2001, 5,651 civil cases were filed as FED actions. The Housing Specialists were responsible for monitoring those cases where code violations were cited. In some situations, the Housing Specialist called upon the expertise of other City and County inspection units to expedite compliance.

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 cases referred from the civil docket) are included in the criminal docket.

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, or the Inspector approves, sentencing may be reserved and the case continued for a reasonable period of time to allow the defendant to do what is necessary to comply with the Code.

Arraignments are set for Wednesday mornings. Continuances for compliance and prosecutor pretrials 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 Tuesdays and Thursdays.

The Housing Specialists are often called upon to offer assistance and guidance to the defendant seeking to remedy housing code violations. More often than not, the conditions for which the defendant was cited were caused by a lack of financial means to keep the property within City code standards. Direction of the case is determined by clarifying the intent of the defendant to repair, demolish, or market the property and determining ability to comply. Individual compliance plans with time frames are developed based on each defendant's circumstances to achieve compliance within a reasonable period of time. Networking with resources in the public and private sector is essential. Others simply require guidance and motivation. The Housing Specialist is required to personally visit each of these properties scattered throughout the City of Toledo on more than one occasion to establish repair plans and confirm progress. In addition to site visits, the Housing Specialist receives and responds to telephone calls, prepares reports corresponding to each case, and develops individual case files. A filing and tickler system is maintained within the office to track caseload. The Housing Specialist attempts to form a positive working relationship between defendants and the Court to seek resolution of these charges.

In 2001, 4,516 criminal cases were brought before the Housing Court for arraignment—206 of these cases were set for trial. Most of these cases were terminated either upon compliance

having been achieved by those charged or some satisfactory result having been reached with the City Inspectors or Prosecutors. The rest were resolved after a trial.

The Housing Court Judge currently has two Housing Specialists on staff. However, the Court is currently seeking to hire a third Housing Specialist. With three Housing Specialists, the Court endeavors to effect tighter control and more timely compliance on the criminal cases. In August 1995, Mrs. Gwen Wyse began employment with the Court. Previously employed by a community development corporation, Mrs. Wyse holds a background in community networking, housing rehabilitation, and client rapport. Mrs. Wyse also holds a Home Improvement & Remodeling Contractor-A License. Ms. 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.

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 is imposed if the defendant is stalling or abusing the process or if convicted of illegal dumping, which is mandatory, or house stripping.

The following is a breakdown of Housing Court filings from 1987 through 2001:

<b>ANNUAL CASELOAD COMPARISON</b>			
<u>Year</u>	<u>Civil</u>	<u>Criminal</u>	
1987	2,776	858	( 78 trials)
1988	3,813	1,684	(109 trials)
1989	3,743	2,292	(154 trials)
1990	3,647	2,786	(148 trials; 49 civil)
1991	3,954	4,046	(167 trials; 49 civil)
1992	3,497	3,722	(186 trials; 129 civil)
1993	3,718	4,412	(137 trials; 352 civil)
1994	3,706	4,804	(192 trials; 176 civil)
1995	3,448	3,549	(148 trials; 257 civil)
1996	4,217	5,025	(172 trials; 340 civil)
1997	4,126	4,202	(101 trials; 344 civil)
1998	4,419	3,835	( 96 trials; 340 civil)
1999	4,832	4,569	(203 trials; 333 civil)
2000	5,198*	4,023	(108 trials; 498 civil)
2001	5,651	4,516	(206 trials, 421 civil)

Housing Court staff has taken the following initiatives to improve and enhance the effectiveness of this Court.

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\*This figure reflects a correction from last year's annual report.

The revision of the Housing Court Resource Guide was completed in 2001. Hundreds of guides will be distributed throughout the community. The Resource Guide has information ranging from the local community development corporations and answers to frequently asked questions regarding Housing Court and mediation. The Housing Specialists attribute the success of the second and only resource guide for the Toledo Municipal Court to the sponsors who made it all possible as well as the agencies that submitted their information for publication.

The addendum to the Conditions of Monitored Probation which was adopted in 2000, has now been converted to one document. Combining these two documents has streamlined the amount of paper used for signing individuals up for this program. The new form is also tailored to expedite the appropriate action that should be taken by the Housing Specialist.

The Housing Court was successful in obtaining a \$100,000 Community Block Grant (CDBG) from the City of Toledo to create the Code Violation Abatement Program (CVAP). The Code Violation Abatement Program was designed to make small grants to individuals in an amount not-to-exceed \$4,500 (Four Thousand Five Hundred Dollars). These funds are used in instances where minor repairs can make a substantial improvement in living conditions. By assisting homeowners in maintaining their property, the impact will be beneficial to the entire community. Often residents without the financial means to make improvements are still good neighbors and want to remain in their community.

The Housing Specialists have currently assisted twenty-three (23) homeowners in abating nuisances prolonging the life of their aging homes.

At the end of 2001, the Court set up an Internet web site that provides updates and information on traffic, criminal and civil cases in the Toledo Municipal Court. The Case Assignment Tracking System (CATS) is now accessible from the Court's web site home page. CATS enables defendants, attorneys and the general public to obtain information on the status of trials and pre-trial hearings for the approximately 4,000 active cases assigned to the Court's seven Judges. The information is updated twice each day.

In 2002, the Housing Court will be working under a team concept with NORIS (Northwestern Ohio Regional Information Systems) in the development and creation of an automated case management system. This system will be comprised of software components to support and automate tasks performed by the Housing Specialists and will include the installation of state of the art computer equipment. The new case management system will allow for more efficient tracking of monitored probation cases as well as all criminal and civil housing cases. The system will be implemented in three phases in 2002 to be fully operational by September.

On April 28, 2001, the Housing Court hosted a Neighborhood Beautification and Cleanup Project Day in Council District Three at the Navarre Park Shelter House. The day of beautification included dispersing donated paint, grass seed, flowers, small trees, mulch, garbage bags, and a site for garbage and tire drop-off. Information brochures on home repairs and improvements were also made available.

The Housing Court is currently considering different community outreach projects that will take place in the year 2002.

The Year of 2001 presented the Court with three very unique challenges. The first of which was how to control the numerous failures to appear in Court. A failure to appear normally results in a bench warrant being issued for the defendant. This challenge is being addressed by seeking to hire an individual that would assume the primary responsibility of pursuing and follow-up with these individuals.

The second challenge was and continues to be those individuals who appear in Court after filing bankruptcy and are laboring under the misbelief that the mortgage company is now the substituted party. The mortgage company will typically walk away from the property and leave it in the defendant's name. Many times the defendant is not aware that the property is still in his/her name. Legislation is needed to require a transfer to the mortgage company or some way to compel them to assume responsibility for the upkeep of the property. This problem is aggravated by virtue of the fact that the defendant/debtor does not have the resources to repair the property, and is technically not the owner. Judge McConnell has consulted with other Housing Judges to propose legislation to correct this problem.

The third and final challenge has been to seek a way to not penalize individuals who appear in Housing Court on one occasion and incur a criminal record. Judge McConnell is working with the Law Department to implement a first offender's program. In other words, if a defendant appears in Housing Court for the first time and they abate the nuisance timely, the charge would be dismissed rather than resulting in a finding of guilty and establishing a criminal record. This program will be fully implemented within the second quarter of 2002.

During the year of 2001, the Housing Court made considerable progress in docket and time management of cases assigned to the Court. In addition to holding Court on an additional day, the Court also instituted a policy of not allowing any case to exceed a ninety (90) day period without a justifiable reason. The Court is currently in the process of devising ways to assist housing defendants find additional resources to bring their property into compliance. The Court has also instituted a policy of meeting regularly with the Housing Inspectors from the Department of Neighborhoods to examine Court policy and procedures. Several meetings were held with community groups to assist them with the concerns they have regarding housing issues in their neighborhoods.

In 2001, the Toledo Municipal Housing Court played a key role in the development of "Toledo Coordinated Assistance for Rehabilitation Excellence Strategy" (Toledo CARES). CARES is comprised of five different agencies and city divisions that gather monthly to address housing issues of low to moderate income owner-occupants who have been cited into Housing Court. These agencies include Housing Specialists, staff from Nuisance Abatement, Northwest Ohio Development Agency staff, the City's Relocation Officer, the Housing Administrator and other Affordable Housing Division staff members.

The goal of this program is to coordinate staff and financial resources from various city divisions to eliminate the housing code violations for those individuals cited into Housing Court. Oftentimes, multiple resources are coordinated to address the more difficult cases.



In 2002, the Housing and Environmental Court will continue to work with appropriate agencies to improve the quality of life for residents in the Court's jurisdiction. This effort will assist in the preservation, as well as, selective demolition of the housing stock that is not repairable or salvageable. All of the above contribute to the preservation of the tax base of the City.

The 2001 Housing Court staff consists of Judge C. Allen McConnell, Magistrate Susan Hartman Muska, backup Magistrates Catherine G. Hoolahan and Alan J. Michalak, Housing Specialists Gwen Wyse and Barbara Falls, Law Clerk Gina Lewis, Court Reporter Deborah Bowen, Deputy Ralph Green and Judges' Secretary Judy Heslet.

## **ANNUAL REPORT – Chapter X**

### **IMMOBILIZATION OFFICE**

Maggie Burmeister  
Immobilization Officer

#### **DEPARTMENT DESCRIPTION**

The primary responsibility of the Immobilization Office is to implement vehicle immobilization and forfeiture penalties ordered by the courts in accordance with the Ohio Revised Code. There are two types of driving suspensions that will result in vehicle immobilization: driving without proper auto insurance (FRA), or driving while under the influence of drugs and alcohol (DUI).

When a judge immobilizes a vehicle, a \$30.00 immobilization fee is collected from the offender. The Immobilization Office receives a daily listing of the vehicles seized the night before from the Toledo Police Department. This list is used to give preliminary instructions to offenders who need to know how to get their vehicles released.

The Responsible Educated Drivers (RED) Program operates in conjunction with the Immobilization Office. Established in January 1998 by a grant through the Ohio Department of Public Safety, the purpose of the RED Program is to educate motorists without valid licenses on how to become valid drivers. In 2001, the Ohio Department of Public Safety grant that funded the RED Program ended and the Judges approved the RED Program position as a permanent, full-time position.

RED Program clients are defendants referred from the court. Defendants' driving records are discussed in detail using a printout of pending infractions. These infractions are explained to the defendants. Defendants are informed of what specific steps they must take to obtain a valid driver's license.

#### **IMPROVEMENTS AND ACCOMPLISHMENTS**

The RED Project Assistant position was approved as a permanent, full-time position by the Judges. In 2001, a job analysis and a job description of the position was completed. Shirley Goodar, who had been serving in the position on a temporary basis, was appointed as the permanent full-time RED Program Assistant.

During the 2001 calendar year, 191 vehicles were ordered immobilized and 893 clients inquired about their vehicles through the Immobilization Office. In comparison, 217 vehicles were ordered immobilized and 1,198 clients inquired about their vehicles in calendar year 2000.

During the calendar year 2001, 1,806 defendants were referred to the RED Program from court. Of those referred, 252 completed the program and obtained a valid Ohio Operator's license. There are 913 clients currently in the process of completing the program. During 2000, 2,094 defendants were referred to RED and 374 successfully completed the program.

A presentation of the RED Program was given to the Toledo Bar Association for new attorneys, the Toledo Bar Association Toledo Municipal Court Committee, and the Corrections Center of Northwest Ohio. These presentations were intended to inform attorneys and those agencies affiliated with the court about the services provided by this department. The presentations included an outline of the type of information contained on LEADS printouts, a review of applicable changes in the Ohio Revised Code, an illustration outlining Bureau of Motor Vehicle suspensions with corresponding reinstatement fees, and a handout listing persons to contact. It is the goal of the Immobilization Officer in the year 2002 to make further presentations of the RED Program to community and citizen groups.

The Immobilization Office is comprised of Maggie Burmeister, Immobilization Officer, and Shirley Goodar, RED Project Assistant.