



TOLEDO MUNICIPAL COURT

ANNUAL REPORT 2003

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COURT ADMINISTRATOR'S OFFICE

Pamela E. Roberts
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; 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, the Small Claims Assistant Program and the RED/Immobilization 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 2003 encompassed the full range of functions and responsibilities mentioned above. Judge C. Allen McConnell was elected Presiding and Administrative Judge for a one-year term beginning January 1, 2003. Presiding Judge McConnell directed three standing committees be established to assist in handling specific areas within the Court: the Personnel Committee, the Caseflow Management Committee and the Probation Committee.

Beginning April 7, 2003, defendants who have outstanding fines or for whom a warrant has been issued for their arrest for failing to appear became subject to have a court ordered warrant block placed on the driver's license and vehicle registration. The warrant block prevents a person from renewing a driver's license or license plates until all court warrants and fines are resolved.

Pursuant to one of the recommendations of the 2000 Citizens for Effective Government (CEG) Study, the Court is participating in a building utilization study. As the year closed, the Court was reviewing a draft of the study submitted by the Poggemeyer Design Group.

The Toledo Municipal Court conducted training in preparation for SB 123 and HB 490 which are anticipated to have a substantial impact on the business of the court. Staff from the Ohio State Sentencing Commission and the Ohio BMV was brought to the court to conduct training on the anticipated requirements of this new legislation. Other training for Toledo Municipal Court staff was conducted throughout the year. Training available to staff in 2003 ranged from "Becoming Culturally-centric" to "The Fundamentals of Caseflow Management."

Law clerks Rob Eshenbaugh and Gina Lewis, Probation Secretary Mary Ann Ramsey and Civil Bailiff John Birmingham left the Court in 2003. Darla Stahl and Shelley Green, both Small Claims Assistants, resigned in 2003 as well.

Judge Trimboli's Law Clerk Yvonne Wojtas was promoted to Chief Law Clerk. Other additions to the staff include George Robinson as Judge McConnell's law clerk, Kelly O'Brien as Judge Dartt's law clerk, Civil Bailiff Ann Mauder, Probation Secretary Janet Hegedus, and Assignment Clerk Linda Hill. Assignment Clerk Terri Burke was promoted to Senior Assignment Clerk. Darcy Ummel and Erik Zoll were hired as Small Claims Assistants.

The Court Administrator's Office continued in 2003 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 serves as Chairperson of the Ad Hoc Electronic Monitoring Committee. The Court Administrator is also an appointed member of the Regional Community Corrections Boards consisting of those counties participating in CCNO and is the Court's representative in the NORIS Users Group.

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

This annual report, as well as other information about the Court, is available at the Court's website www.toledomunicipalcourt.org.

CLERK OF COURT
GENERAL REPORT

Vallie Bowman-English
Clerk of Court

The total revenue collected for the year 2003 in the Toledo Municipal Court, Clerk's Office totaled \$5,420,618.46. In the year 2002 the receipts totaled \$4,784,050.46, for an increase of \$636,568.00.

The City of Toledo General Fund received the sum of \$937,839.34 from the Civil Division of the Clerk's Office; the sum of \$2,569,999.46 from the Criminal/Traffic Division of the Clerk's Office and the sum of \$3,444.05 from interest on Certificates of Deposit and Concentration Accounts from both the Civil and Criminal/Traffic Divisions for a total of \$3,511,282.85- for an increase of \$388,240.81. The total in 2002 was \$3,123,042.04.

The total case load for the Clerk's Office for the year 2003 was 104,623 compared to 103,987 in 2002- for an increase of 636.

A complete and detailed report on the operation for the year 2003 of the Criminal/Traffic and Civil Divisions of the Toledo Municipal court, Clerk's Office follows.

TOLEDO MUNICIPAL COURT
TRUSTEESHIP DIVISION

	<u>2003</u>	<u>2002</u>
<u>TRUSTEESHIP ACCOUNTS FILED:</u>	124	136
<u>ACCOUNTS DISBURSED:</u>		
Paid in Full	14	22
Paid on Active Accounts	277	220
Canceled	88	158
Bankruptcy	5	4
Reinstated	1	1
Reactivated	15	12
Other terminations	10	9
Voluntary cancellations	0	3
TOTAL	534	565

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Payments made by debtors into Trusteeship accounts	\$262,258.55	\$236,051.41
Disbursements of debtors Funds to Creditors	\$267,721.08	\$228,530.31
Checks Issued	1,168	1,136
Motions filed for Additions to Trusteeship	56	52
Open and Active Accounts as of 12-31-03	182	159

TOLEDO MUNICIPAL COURT
CIVIL DIVISION

CIVIL BRANCH FILINGS:

	<u>2003</u>	<u>2002</u>
New Cases	20,774	20,562
Certified Cases	1,146	665
Small Claims	2,215	3,263
Trusteeship	124	136
TOTAL	24,259	24,626

REVENUE COLLECTED:

Civil Costs Collected	700,072.52	718,646.97
CLIP new, misc. and trusteeship poundage	11,906.54	10,698.44
Certified Mail	166,659.50	147,559.43
Repurchase interest	1,846.10	3,783.93
Legal Research	20,465.00	20,535.00
Clerk Computer Fees	102,331.13	102,687.60
State Legal Aid	303,945.79	316,626.70
Legal News	241,152.13	248,477.00
Judges Computer Fees	68,067.87	68,534.00
Overpayment of Costs	-0-	8,672.00
TOTAL	\$1,616,446.58	\$1,646,221.07

REVENUE DISBURSED:

General Fund	937,839.34	941,633.18
Interest, CLIP, misc. overpayment	13,752.64	18,648.17
Computer/Legal Research Fund	122,796.13	123,066.60
State Treasurer-Legal Aid	300,906.34	314,696.12
Toledo Legal News	241,152.13	248,177.00
TOTAL	\$1,616,446.58	\$1,646,221.07

CIVIL BRANCH ACTIVITIES:

Transcripts	265	109
Certificates of Judgment	4,496	3,659
Revocations	109	113
Executions	399	362
Garnishees	14,252	14,887
Motions	3,063	2,840
Restitutions	3,220	3,413
Revivors	221	174
TOTAL	26,025	25,557

TOLEDO MUNICIPAL COURT
CRIMINAL/TRAFFIC DIVISION

NEW CASES:

	<u>2003</u>	<u>2002</u>
Traffic	49,929	49,925
Criminal	30,435	29,436

TOTAL	80,364	79,361
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REVENUE COLLECTED:

Traffic	1,154,719.17	1,153,861.36
Liquor	10,102.00	9,381.00
Criminal	337,503.84	234,338.67
Drugs	74,925.00	50,704.00
Costs	2,031,484.23	1,521,326.36
Miscellaneous	23,224.99	22,572.34
Bond forfeitures	51,012.00	24,526.00
Concentration Account	1,597.95	7,156.81
Over Payments	20,728.20	25,286.28
Judges Computer Fees	97,704.50	88,286.57
State Expungements	1,170.00	390.00

TOTAL	\$3,804,171.88	\$3,137,829.39
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REVENUE DISBURSED:

General Fund	2,569,999.46	2,170,468.12
Lucas County Treasurer	133,473.20	102,625.70
Treas. of State (60% Liquor)	5,051.00	4,690.50
Treas. of State (45% Traffic)	8,874.90	6,152.40
Treas. of State (State Gen. Fund)	400,637.00	328,882.00
Treas. of State (Victims of Crimes)	305,163.00	269,525.00
Ottawa Hills	40,308.00	40,679.00
Ottawa Hills-LEEF/Drug Fund	3,192.00	2,439.00
Lucas County Law Library	15,577.97	10,168.71
Department of Natural Resources (Watercraft Division)	1,841.00	1,969.00
(Wildlife Division)	1,461.00	229.00
State Pharmacy Board	1,937.50	1,486.00
Interest on Securities	1,597.95	7,156.81
Over Payments	20,728.20	25,286.28
Treas. of State- Seat Belts	52,406.00	49,747.00
Humane Society and MCO LEEF	550.00	125.00
Lucas County Law Enf. Drug Fund	10,816.20	6,441.30
Lucas County Sheriff LEEF/Drug Fund	1,147.00	635.00
OSP LEEF/Drug Fund	1,811.00	1,020.00
University of Toledo LEEF/ Drug Fund	750.00	595.00
Washington Township LEEF/Drug Fund	760.00	550.00
Child Restraint Law	436.00	210.00
Warrant Block Fee	116,927.00	-0-

	<u>2003</u>	<u>2002</u>
Liquor Board Drug Fund	-0-	65.00
BMV Fee	9,852.00	18,007.00
Judges Computer Fees	97,704.50	88,286.57
State Expungements	1,170.00	390.00
TOTAL	<hr/> \$3,804,171.88	<hr/> \$3,137,829.39

ASSIGNMENT COMMISSIONER'S OFFICE

Karen E. Wood
Assignment Commissioner

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

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

In 2003, the office welcomed new Assignment Clerk Linda Hill. Assignment Clerk Terri Burke was promoted to Senior Assignment Clerk. In addition, the office staff continued training in various areas including computer skills.

The figures for 2003, with comparison figures, are as follows:

Category	2003	2002
A. Cases Assigned		
Criminal/Traffic Assignments	21,618	20,280
Civil Assignments (including Housing)	1,924	1,970
B. Cases set for Trial		
Criminal/Traffic Trials	8,062	7,022
Civil Trials	1,658	1,921
Criminal/Traffic Trial Resets	7,045	6,682
C. Cases set for Pretrial		
Pretrial – Criminal/Traffic	11,254	10,801
Pretrial Resets	638	589
Mandatory Jury Pretrials (MJPT)	190	199
D. Preliminary Hearing/Felony Arraignment Docket	13,732	9,706
E. Jury Trials Set (Crim/Traff/Civil)	417	482
F. Bureau of Motor Vehicle Hearings	61	57

Category	2003	2002
G. Evictions	6,371	6,211
H. Housing		
Criminal Housing Arraignment Docket	3,254	3,978
Criminal Housing Trials	315	282
Civil Housing (Not a Draw) New Assignments	365	369
Rent Escrow	270	136
I. ALS/Innocent Owner Hearings	74	73

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 2003 and 2002 per individual Judge:

2003	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Mc	33	22	21	30	18	22	15	29	43	40	28	64	365
D	19	25	14	20	16	30	26	17	18	31	15	23	254
T	14	17	23	24	28	12	14	15	18	29	19	22	235
B	29	15	22	27	24	24	25	11	24	26	19	18	264
O	22	24	26	26	20	21	23	15	22	22	19	23	263
Z	26	22	24	18	36	23	23	17	20	17	20	28	274
G	20	17	27	24	20	19	27	20	31	23	19	22	269
Total	163	142	157	169	162	151	153	124	176	188	139	200	1,924

2002	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Mc	40	27	38	30	22	29	25	33	49	23	24	29	369
D	24	21	21	27	26	26	16	27	24	19	16	33	280
T	28	13	15	18	25	21	17	22	14	12	15	24	224
B	31	22	15	27	14	25	23	22	25	20	14	18	256
O	28	19	29	22	26	23	21	18	22	30	18	28	284
S	28	15	24	31	17	30	17	24	23	22	25	24	280
G	27	22	14	17	29	21	22	29	23	26	24	23	277
Total	206	139	156	172	159	175	141	175	180	152	136	179	1,970

Civil Cases Set for Trial:

Month	2003	2002
January	218	279
February	125	147
March	112	158
April	165	142
May	115	172
June	140	122

Month	2003	2002
July	90	146
August	103	184
September	152	178
October	164	157
November	81	109
December	193	127
TOTAL	1,658	1,921

Civil Motions:

A civil motion is a preliminary pleading related to procedure and point of law. In 2003, 3,924 civil motions were processed and 104 were set for Oral Motion Hearing. In 2002, 2,772 civil motions were processed and 114 were set for Oral Motion Hearing.

Civil Pretrials:	Civil Juries Set:	Mandatory Jury Pretrials:
2003 1,344	2003 136	2003 114
2002 960	2002 125	2002 33

Evictions:

2003 Evictions	Set/Reset	Judgments	Dismissals	On Desk/Continuances
January	504	290	177	9
February	496	261	175	21
March	493	238	151	17
April	446	223	158	23
May	498	269	167	11
June	481	251	161	16
July	552	281	202	20
August	634	302	244	30
September	604	303	236	19
October	635	312	231	24
November	496	246	193	8
December	532	278	199	15
Totals:	6,371	3,254	2,294	213

2002 Evictions	Set/Reset	Judgments	Dismissals	On Desk/Continuances
January	460	231	174	55
February	521	227	231	63
March	397	186	162	49
April	449	245	146	58
May	473	248	164	61
June	532	244	194	94
July	568	317	184	67
August	623	343	188	92
September	532	293	177	62

October	630	333	208	89
November	460	248	149	63
December	566	287	203	76
Total	6,211	3,202	2,180	829

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
2003	11	38	8	42	41	43	21	17	14	13	8	14	270
2002	13	10	14	11	9	6	8	17	14	13	16	5	136

Bureau of Motor Vehicle Hearings (Civil):

A Magistrate schedules BMV cases for Hearing.

2003 – 61 cases were set for Hearing.

2002 – 57 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 Section 2945.71 R.C. As of 2000, **all** cases are set for a pretrial unless there is an issue with statutory time.

Criminal/Traffic Assignments:

<u>Judge</u>	<u>2003</u>	<u>2002</u>
McConnell	2,230 +315	2,116+282 Housing
Dartt	3,184	2,981
Trimboli	3,163	3,023
Berling	3,173	2,997
Oso wik	3,186	2,993
Singer	3,173	2,986
Gorman	3,194	2,902
	<u>21,618</u>	<u>20,280</u>

Reactivated Cases (Sealing of Record):

2003	127
2002	168

Criminal/Traffic Reset Cases:

2003	Jan	Feb	Mar	Apr.	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
McConnell	100	59	72	82	90	73	100	69	89	83	92	88	997
Dartt	76	57	65	103	108	139	89	95	152	87	71	94	1,136
Trimboli	72	47	70	60	52	61	78	53	54	101	71	84	803
Berling	119	78	70	60	81	96	70	58	57	78	60	53	880
Osowik	68	58	69	47	81	90	109	110	88	61	49	57	887
Zmuda	95	82	98	111	88	90	108	96	156	141	76	118	1,259
Gorman	94	66	83	68	79	87	104	127	95	129	86	65	1,083
Total:	624	447	527	531	579	636	658	608	691	680	505	559	7,045

2002	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
McConnell	88	55	65	61	60	45	66	95	79	110	78	75	877
Dartt	96	124	55	57	84	60	75	68	48	84	40	75	866
Trimboli	92	85	92	129	131	78	122	93	103	88	72	79	1,164
Berling	95	66	62	106	70	60	81	84	101	105	86	44	960
Osowik	77	67	94	66	64	50	65	68	84	60	78	42	815
Singer	124	61	85	80	104	60	67	82	86	73	89	54	965
Gorman	69	63	61	99	100	96	99	102	96	104	84	62	1,035
Total:	641	521	514	598	613	449	575	592	597	624	527	431	6,682

2003 Jury Trials (Criminal/Traffic/Civil):

Month	Crim/Traff	Civil	Ordered	Used	No Jurors
Jan.	19	15	1	1	--
Feb.	29	13	3	3	--
March	15	18	2	2	--
April	27	16	2	1	--
May	21	3	0	0	--
June	21	14	1	1	--
July	28	12	0	0	--
Aug.	18	6	0	0	--
Sept.	36	8	1	1	--
Oct.	23	8	2	1	--
Nov.	19	11	2	0	--
Dec.	25	12	1	1	--
Total:	281	136	15	11	--

2002 Jury Trials (Criminal/Traffic/Civil):

Month	Crim/Traff	Civil	Ordered	Used	No Jurors
January	47	6	2	1	-
February	25	18	3	2	-
March	25	18	0	0	-
April	40	5	2	1	-
May	34	12	3	3	-
June	26	11	4	2	-
July	36	6	2	2	-
August	24	15	4	3	-
September	21	8	1	1	-
October	35	11	1	1	-
November	19	12	0	0	-
December	25	3	0	0	-
Total:	357	125	22	16	-

2003 Criminal/Traffic Trials 8,062
2002 Criminal /Traffic Trials: 7,022

2003 Criminal/Traffic Pretrials:

McConnell	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Set	107	79	138	129	167	128	150	125	117	132	118	121	1,511
Reset	4	14	2	8	6	4	5	2	8	16	7	7	83
*MJPT	4	1	1	6	0	2	0	0	4	2	3	3	26
Dartt													
Set	87	75	87	92	101	83	102	91	114	90	77	98	1,097
Reset	4	6	7	8	11	6	19	6	4	3	5	8	87
MJPT	2	2	2	2	2	2	3	4	5	0	4	1	29
Trimboli													
Set	153	145	117	151	160	144	173	141	156	166	122	161	1,789
Reset	1	5	8	5	19	3	3	4	4	3	3	14	72
MJPT	2	3	5	2	7	2	8	4	4	2	2	1	42
Berling													
Set	139	96	95	113	116	125	133	148	124	132	108	131	1,460
Reset	19	12	9	6	10	17	11	12	12	22	22	14	166
MJPT	0	1	1	1	4	3	1	0	3	5	2	0	21
Osowik													
Set	159	124	137	138	152	135	157	158	175	160	131	150	1,776
Reset	5	5	8	8	12	5	4	9	3	7	3	10	79
MJPT	2	2	3	1	2	4	5	3	5	2	2	2	33
Zmuda													
Set	172	110	132	148	174	157	157	150	144	162	131	156	1,793
Reset	3	10	10	2	5	0	6	5	2	11	3	14	71
MJPT	1	3	2	2	3	1	5	0	7	3	1	2	30

Gorman													
Set	145	126	139	156	141	126	208	160	156	179	121	170	1,827
Reset	4	8	1	9	6	5	2	11	3	17	6	8	80
MJPT	0	0	0	0		1	1	2	2	1	1	0	8
Total Set													11253
Total Reset													638
Total MJPT													189

*Mandatory Jury Pretrials

2002 Criminal/Traffic Pretrials

McConnell	Jan	Feb	Mar	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
Set	99	89	99	108	112	104	128	111	130	112	121	92	1305
Reset	9	4	6	7	7	9	3	6	7	6	8	7	76
*MJPT	7	3	6	4	9	3	2	3	3	4	4	1	49
Dartt													
Set	144	127	135	146	128	130	137	169	163	152	153	119	1703
Reset	3	6	6	4	2	1	4	5	3	11	9	4	58
MJPT	2	6	1	2	1	4	3	2	4	2	0	2	29
Trimboli													
Set	143	126	142	133	149	133	137	174	153	166	152	134	1742
Reset	4	2	26	21	3	2	4	6	7	7	4	2	88
MJPT	7	4	4	6	2	5	0	6	3	4	4	6	51
Berling													
Set	116	76	97	116	94	108	109	115	127	108	107	119	1293
Reset	15	7	3	18	6	5	10	11	17	10	4	2	108
MJPT	1	1	4	3	2	1	4	2	1	3	1	1	24
Osowik													
Set	143	126	120	131	136	119	130	157	150	150	155	130	1647
Reset	9	1	18	8	3	6	7	4	4	6	1	7	74
MJPT	1	4	1	0	2	4	0	2	1	3	5	1	24
Singer													
Set	158	109	127	119	117	129	139	136	136	164	151	140	1646
Reset	15	4	6	8	4	6	11	5	8	12	7	5	91
MJPT	2	3	0	2	3	0	1	4	1	0	5	1	22
Gorman													
Set	112	115	136	138	138	141	116	141	131	143	142	151	1466
Reset	3	3	11	11	11	5	16	5	3	8	12	6	94
Total Set													10,801
Total Reset													589
Total MJPT													199

*Mandatory Jury Pretrials

2003 Criminal/Traffic Pretrials:

2003 Total Pretrials Set: 11,254
 Total Pretrials Reset: 638
 Total Jury Pretrials: 190

2002 Total Pretrials Set: 10,801
 Total Pretrials Reset: 589
 Total Jury Pretrials: 199

2003 Totals of Traffic/Criminal sets, resets, pretrials, Pretrial resets, Jury trials and jury pretrials: 27,470

2002 Totals of Traffic/Criminal sets, resets, pretrials, Pretrial resets, Jury trials and jury pretrials: 25,650

Goals and Objectives:

In 2004, we intend to implement some improvements to the CATS computer system and attend continuing education computer classes. We also plan to work closely with the Clerk of Court Office on mutually beneficial computer projects. Finally, changes will be made to the physical layout of the office so as to improve efficiency both for the staff and for members of the public.

The current staff consists of:

Karen E. Wood, Assignment Commissioner

Terri Burke, Senior Assignment Clerk

Joyce Straka, Assignment Clerk

Valerie Hobbs, Assignment Clerk

Wanda Butts, Assignment Clerk

Laura Burnham, Assignment Clerk

Sherry Herrick, Assignment Clerk

Linda Hill, Assignment Clerk

CIVIL BAILIFF

Jerry Gray
Chief Civil Bailiff

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

The Civil Bailiff Department provides a valuable assistance to those who have obtained judgments by assisting them in enforcing their judgments through such means as wage garnishments, bank accounts or other personal property attachments under civil law. Court ordered evictions are personally supervised by the Civil Bailiffs, whose duties also include recovering personal property unlawfully held and conducting sales of judgment debtor's property to provide funds to satisfy monetary awards.

The Civil Bailiff Department has experienced some changes during 2003. John Birmingham retired in April 2003 after 30 years of service in the Bailiff's Department and Ann M. Mauder was hired in September 2003 to replace John Birmingham. Some districts were reorganized in 2003 ensuring one male and one female officer in each district.

The department is once again able to list as a major accomplishment the most efficient, professional service possible. In 2003 the Civil Bailiff Department served 42,115 court orders. A complete breakdown of the department statistics is on the following pages.

The Bailiff's Office is looking forward to upgrading our computer hardware in 2004. Our office has provided exemplary service to the court and community by handling telephone calls and contacts in a courteous and business-like manner.

The Civil Bailiff Department consists of the following staff:

Jerry Gray, Chief Bailiff
Mike Kessler, Assistant Chief Bailiff
Loretta Fillman, Road Supervisor
Marion Cary, Deputy Bailiff
Yvonne Harper, Deputy Bailiff
Diana Irish, Deputy Bailiff
Michael Isenberg, Deputy Bailiff
Mary Johnson, Deputy Bailiff
Richard Leasor, Deputy Bailiff
Ann Mauder, Deputy Bailiff
Butch Ritter, Deputy Bailiff
James Roman, Deputy Bailiff
Kevin Smith, Deputy Bailiff
Ralph Williams, Deputy Bailiff

CIVIL BAILIFF DEPARTMENT STATISTICS

2003

Summons – Received	-----	3,322
Summons – No Service	-----	145
Proceeding in Aid – Received	-----	1,456
Proceeding in Aid – No Service	-----	575
Subpoenas – Received	-----	690
Subpoenas – No Service	-----	77
Bench Warrants – Received	-----	134
Bench Warrants – Returned want of assistance	-----	64
Bench Warrants – Outstanding	-----	20
Garnishees – Respondents Served	-----	11,398
Garnishees – Defendants Served	-----	7,753
Garnishees – Mail Service (To notify Defendants on bank account attachments in accordance with federal law)	-----	3,014
Garnishees – Foreign Service (Mail to Respondents outside of Lucas County)	-----	631
Garnishees – No Service	-----	291
Landlord Complaints	-----	7,345
Landlord Complaints – No Service	-----	191
Writ of Service Served	-----	3,096
Returned for want of assistance	-----	1,996
Returned for request of plaintiff	-----	299
Cause to vacate	-----	291
Evicted	-----	510
Writ of Restitution – Mailed – 5 Day Notice	-----	3,096
Execution – Worked	-----	178

Replevin – Worked -----2

Bailiff Sales Held -----0

Total Legal Documents Processed -----42,115

Money caused to be collected on Execution 2003 \$204,217.61

Money caused to be collected on Bench Warrants \$ 126,180.33

Total: \$330,397.94

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, 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 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.

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 eleven juries seated and ten jury trials completed in 2003 and fifteen actual jury trials in 2002. The following is a breakdown of the jury trials presided over by each respective Judge.

2003

Judge Amy J. Berling – None
Judge Denise A. Dartt – Feb. and Nov.
Judge Francis X. Gorman – Feb., Mar.
and April
Judge C. Allen McConnell – Jan. and Dec.
Judge Thomas Osowik – None

Judge Gene A. Zmuda – Sept.
Judge Mary G. Trimboli – Feb., Mar. and April

2002

Judge Amy J. Berling – June
Judge Denise A. Dartt – Feb. and May
Judge Francis X. Gorman – Feb., May
and July
Judge C. Allen McConnell – June
Judge Thomas Osowik – Feb., Mar.,
May and Oct.
Judge Arlene Singer – Aug. (2)
Judge Mary G. Trimboli – Jan. and April

In the year 2004, our goal as Court Reporters will be to remain effective and vital contributors in protecting the integrity of the record and to assist the public, and the legal and juridical community at Toledo Municipal Court.

There are seven Court Reporters at Toledo Municipal Court each assigned a 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, then Judge Gene A. Zmuda; 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, then Judge C. Allen McConnell; Mary Hill, assigned to Judge Francis X. Gorman and Lori DeVaul assigned to Judge Denise A. Dartt.

LAW CLERK / BAILIFF

Yvonne A. Wojtas
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 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.

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 2003, in accordance with the Ohio Supreme Court's directives, the Law Clerks conducted the second "rolling inventory" of assigned pending cases. The rolling inventory was conducted over a period of four weeks with each Judge's inventory taking place on a specific assigned date. This method of inventorying cases involved much less manpower, requiring only the Judge's Law Clerk, a scribe, and various department heads inventory the cases in an efficient manner. The Law Clerk then compares the records from the physical inventory to their individual records to reconcile a precise count of the current assigned pending cases.

At the close of 2003, all seven Law Clerks were placed online with the court's e-mail system. All seven Law Clerks are now capable of communicating with each other via e-mail and other court personnel in an efficient and timely manner. This system now reduces the distraction created when communication is necessary to handle matters while court is in session.

In 2004, the Law Clerks will continue to ensure efficiency and organization in the handling of courtroom dockets. The Law Clerks look forward to working together in the upcoming year to provide continued assistance to all seven Municipal Court Judges.

CITIZENS DISPUTE SETTLEMENT PROGRAM

James Petas
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 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.

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

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

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

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

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

The Check Resolution Service was instituted in October 1993. Individuals or businesses wishing to file a criminal charge for bad checks are referred to the Check Resolution Service before charges are filed. A \$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. 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 that assists businesses in collecting bad debt that is not in check form. The procedure follows the same method used in Check Resolution, but does not require registration notification or a fee.

In 2003, 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 2003 CDSP has....

- Participated in continuing education including the Ohio Mediation Discussion Forum. The staff also attended seminars in Victim Offender Mediation and Advanced Mediation. All trainings and forums were held in Columbus, Ohio.
- The Supreme Court of Ohio conducted a program overview of the Citizen's Dispute Program. The review reported positive results, concluding that CDSP is a model program that provides a great benefit to the community and court.
- Augmented the Check Resolution Collection Service. These cases follow the same procedure as Check Resolution, but do not require registration notification or a fee.

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 on the dynamics of mediation and how to access our service.

Statistics for 2003, with statistics from 2002 for comparison, are provided below.

<u>Type Of Case</u>	<u>2002</u>	<u>2003</u>
	Success Rate	
Civil cases:	77%	73%
Adjudicated:	76%	76%
Pre-Adjudicated:	94%	92%
Housing:	69%	68%
Small Claims:	60%	58%

<u>Dispute Resolution- Case Types Referred</u>	<u>2002</u>	<u>2003</u>
Assault	104	112
Menacing	170	152
Criminal Damage	60	71
Theft	53	52
Harassment	20	26
Neighborhood Dispute	31	37
Telephone Harassment	38	26
Criminal Trespassing	11	13
Landlord/Tenant	21	22
Stalking	3	5
Other	203	102

Civil Case Mediation Results	<u>2002</u>	<u>2003</u>
Total Referred	123	142
Mediation: Agreement	67	77
No Agreement	20	28
CDSP involvement/No mediation	28	28
Pending	8	9
Mediation Agreement %	77%	73%
<u>Adjudicated Case Mediation Results</u>	<u>2002</u>	<u>2003</u>
Total Referred	44	46
Mediation: Agreement	29	23
No agreement	9	7
FTA to Notice	1	3
CDSP involvement/No mediation	2	7
Pending	3	6
Mediation Agreement %	76%	76%
<u>Pre-Adjudicated Mediations</u>	<u>2002</u>	<u>2003</u>
Total referred	670	458 ¹
Mediation: Agreement	259	190
No agreement	18	16
FTA to notice	237	132
CDSP involvement/No mediation	116	82
Make File Only	35	18
Pending	5	20
Mediation Agreement %	94%	92%
<u>Housing Mediations</u>	<u>2002</u>	<u>2003</u>
Total referred	95	149
Mediation: Agreement	45	57
No agreement	20	26
FTA to notice	6	26
CDSP involvement/No mediation	23	38
Pending	1	2
Mediation Agreement %	69%	68%
<u>Small Claims/Same Day Mediation</u>	<u>2002</u>	<u>2003</u>
Total referred	124	116
Mediation: Agreement	75	69
No agreement	49	47
Mediation Agreement %	60%	59%

¹ Figure averaged to compensate for clerical error made in filing.

<u>Check Resolution Mediations (CRS)</u>	<u>2002</u>	<u>2003</u>
Total referred	463	389
Funds generated	5,810	4,920
Collection Mediations	n/a	512
Total number of cases referred (Minus CRS)	1,059	911

Through additional mediation education, Citizen's Dispute will improve and continue to provide professional mediation services. CDSP hopes to educate court users and the public on the positive impact of mediation along with seeking additional opportunities in the court process to mediate. Citizen's Dispute is also working with the Toledo Bar Association in organizing an advanced mediation seminar. This training will focus on polishing skills for veteran program mediators and will likely be offered fall of 2004 or Winter 2005. Of the hundreds of post mediation evaluations collected, 95% were happy with the mediation process and would recommend it to others. The department remains committed to making mediation more available and user friendly to the Court and its users.

The Citizen Dispute Staff consists of Senior Counselor James Petas, Counselors Bonnie Schrock and Nancy Rank (who job share one position) and Intake Secretary Susan Padilla.

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 our court. Our Alternatives Program is available to any resident of our general area that needs to complete such a program under court order. We have had clients from other courts in Ohio.

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. We are responsible for providing a presentence report that includes background information on a defendant and information on their 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.

At year's end the Probation Officers are organized into three units. Each unit contains a number of Officers and a Unit Supervisor. One unit is headed by Joe Moran as the supervisor with Lori Donovan, Jennifer Friddell, Sean O'Connor, Charlotte Spoon, and Markus Whitehead as Officers. The second unit is lead by Robert Waggoner and the Officers are Cathy Freeh, Eddie Norrils, Divina Pappas, Charles Pfeifer, and Kenneth Roberts. The third unit is headed by Randolph Nelson and has Officers Anthony Bouyer, Laura Berling, Mark Klapper, Kerry Konzen, 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. Ken Roberts functions as the CSPP Coordinator and the liaison with the Electronic Monitoring program at CCNO.

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 Alternatives Program, the Community Service Probation Program (CSPP) and the Intensive Services Program (ISP). 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. The ISP program is funded by the Ohio Department of Rehabilitation and Corrections and 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 for compliance.

Lori Donovan, Jennifer Friddell, Sean O'Connor, Charlotte Spoon, and Markus Whitehead handle referrals for the Alternatives Program and facilitate the group sessions. Within each unit, these 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, Janet Hegedus, Cindy Hoff, Darlene Jimenez, Chris Sheppard, and Valerie Waggoner.

ACCOMPLISHMENTS

A major accomplishment this year was the development of case management software for the department. The NORIS agency has been developing the software and providing important links to other criminal justice system applications. At years' end we had finished the first phase of this project and are well into the second of three phases. The first phase allows for entry of all data, case notes on probations, and required operations reports. The second phase includes scanning of affidavits and automatic population of data fields from the CLIP system. The balance of the reports needed by the department are to be developed in phase two and management reports and annual data will be in phase three. A team of volunteer Officers (Lori Donovan, Jennifer Friddell, and Eddie Norrils) have been working with management in developing the system.

Probation secretary Mary Ann Ramsey retired from the department in January and this left us with a vacancy until Janet Hegedus began working with us in August. At the end of the year we received notice that Robert Waggoner would be retiring after the first of the year. Therefore we will begin the year with an eye toward the hiring process

A new filing system was also launched this year. We are changing the design of folders as well as the filing system to improve file storage and retrieval. At the same time, long-term storage on the fifth floor is being developed to give us more usable space in the department.

The income from probation fees paid for temporary secretarial services after the retirement of Mary Ann Ramsey. This helped us to keep current on casework during the hiring process. A new file system and storage shelving were also purchased from fees along with temporary staffing help in converting old files. Probation fees have been used to pay for staff training as well. Finally, fee money was used to cover the cost of destroying old documents.

INTENSIVE SERVICE PROBATION PROGRAM (ISP) figures for full year

	<u>2002</u>	<u>2003</u>
Placements	147	272
Successful Terminations	56	64

DISTRICT COURT SERVICES PROGRAM: Figures for full year

		Sylvania	Maumee	Oregon	Other	Total
Referrals to Altern Pgm.	2002	6	14	0	3	23
	2003	8	17	1	33	59

FINANCIAL INFORMATION

Figures for full year

RESTITUTION

TOTALS

2002	\$78,763.92
2003	\$67,112.97

GOALS FOR 2003

We are investigating the possibility of changing our intake process in the coming year. We would like to have all new cases seen on an appointment basis rather than being seen directly following court. This change would give us better control over the distribution of cases and allow Probation Officers more control of their time to see supervised defendants. Defendants would also be given some instructions on materials to bring with them to the initial interview such as rent receipts and payroll stubs. This will mean not relying as heavily on defendant reported data but having verified information in the reports to the Court.

We look forward to completing the development of case management software for the department. We will be moving data from our old system, completing system reports and developing tools for management oversight and analysis.

Probation fees will be used for training as we continue the effort to provide all officers the opportunity to attend statewide conferences. Other uses of fees may include hiring temporary workers in setting up the new intake process, development of a case file tracking system, and some equipment upgrades or improvements. The results of a building utilization study are also expected in the next year and may require some expenditure to improve the department.

SUMMARIZATION OF STAFF

As of December 31, 2003, there are 27 staff positions in the Probation Department consisting of the Chief Probation Officer, Assistant Chief Probation Officer, 3 Unit Supervisors, 15 Probation Officers, an Administrative Secretary and 6 Secretaries. This comprises a full staffing level as we end the year.

ENVIRONMENTAL 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 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 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 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.

Each day, Magistrate Susan Hartman Muska hears all first causes of action in FEDs (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. To accommodate the increasing number of civil cases filed, Presiding Judge McConnell created an addition to the docket effective November 1, 2002. Each Friday, Magistrate Alan J. Michalek hears first cause eviction actions and rent escrow cases in Courtroom #1 while Magistrate Muska maintains her docket in Courtroom #9. The Magistrates' orders are submitted to the Housing Court Judge for approval. Any objections to the orders of the Magistrates 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 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 rent escrow cases, one of the Court's three Housing Specialists verifies that the conditions of the rent escrow are corrected. The property owner is assisted in setting up time frames for correction of violations. Oftentimes, the Housing Specialist acts as a mediator between the property owner and the tenant to achieve a compromise for the particular problem.

In 2003, 6,371 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. Each individual's circumstances are taken into consideration in determining ability to comply with time frames. 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 caseloads. The Housing Specialist attempts to form a positive working relationship between defendants and the Court to seek resolution of these charges.

In 2003, 3,254 criminal cases were brought before the Housing Court for arraignment—315 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 a Senior Housing Specialist and two Housing Specialists on staff. 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 monitored probation 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 Rick Cutcher began employment with the Housing Court on May 1, 2002. Mr. Cutcher's background includes nearly three decades of working in residential and commercial construction industries in positions varying from a carpenter to a general manager to a business owner. Mr. Cutcher also has six years of experience as a Building Inspector with the City of Toledo.

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 2003:

ANNUAL CASELOAD COMPARISON

<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)
2002	6,211	3,978 (282 trials, 369 civil)
2003	6,371	3,254 (315 trials, 365 civil)

The Housing Court staff has taken the following initiatives to improve and enhance the effectiveness of this Court and improve the quality of the community housing stock.

The Housing Court entered into its third successful year administrating the Code Violation Abatement Program (CVAP). This Community Development Block Grant (CDBG) funded program assisted several homeowners in abating nuisances and improving their living conditions. In addition to the CVAP Program, we were able to get considerable help from many organizations within the community. The Housing Staff expended considerable effort in obtaining additional resources as the block grant funds were not available at the same level as in previous years.

In 2003, the Housing Court completed Phase II and III of the implementation of the Case Management System. This system has resulted in tremendous savings of time for the staff and has provided the Court with the ability to readily access information when needed.

On June 27, 2003, The Toledo Municipal Court's Housing Division, again, participated in "Raise the Roof Day" with over 300 volunteers representing the City of Toledo's Department of Neighborhoods, Neighborhoods In Partnership, trade unions, retail stores, construction crews, the United States Army Reserves, food vendors, friends and neighbors to improve several houses and vacant lots in the Yondota and Chesbrough area of the East Side of Toledo.

On March 19, 2003, the Housing Court participated in the 26th Annual Senior Citizens' Day Program at the Lucas County Recreation Center. As an exhibitor, the Housing Court distributed cleanup supplies, paintbrushes, garbage bags and a host of helpful information on hiring a contractor. Over 5,000 seniors attended this event.

The Toledo Municipal Court Housing & Environmental Division implemented a Bench Warrant Web Site on April 7, 2003, publishing over 1,500 bench warranted defendants. In addition to the web site, a large percentage of the bench warrants were published in The Toledo Blade on two occasions.

On June 26, 2003, the Housing Court initiated the first Neighborhood Court Day at the East Toledo Family Center on Varland Avenue. Over 90% of the defendants that were scheduled appeared for their arraignment. On September 25, 2003, the second Neighborhood Court Day was held at the Frederick Douglass Community Association on Indiana Avenue and, again, attendance was at a higher level than normal.

The year 2003 also enabled the Court to dispose of bench warranted cases due to the implementation of the Warrant Block Process by the Toledo Municipal Clerk of Courts Office under the direction of the Judges. This process prohibited any defendant who was bench warranted from registering their car or renewing their driver's license. This procedure forced hundreds of bench warranted defendants to address the bench warrants that existed against their property.

In April of 2003, the Housing & Environmental Court scheduled a receivership meeting with several community organizations, CDCs, title companies, and finance (bank) companies to review the receivership process. After several meetings during the year, the City of Toledo's Department of Economic & Community Development assumed the responsibility of establishing a receivership pilot program. This process is under the direction of Mr. Tom Crothers, and it is expected that the pilot receiverships will be in place the first quarter of 2004.

The Housing & Environmental Court also received authorization to establish a web site in 2003 and the site was nearing completion as the year ended. The web site will be an excellent resource for citizens required to appear in Housing Court. The web site contains extensive information regarding how the Housing Court functions, available resources and other information. Below is the Mission and Vision Statement of the Housing & Environmental Court.

MISSION STATEMENT

The mission of the Toledo Municipal Housing & Environmental Court is to hear and decide cases within the Court's jurisdictional limits. Render a fair and just decision for every party that appears before the Court. Assist Toledo homeowners in finding resources to restore their homes when they have a lack of resources.

VISION STATEMENT

To develop a Housing Court that is accessible and innovative in assisting citizens who are experiencing problems in maintaining their property. Pursue every available resource in the Toledo community to help restore our neighborhoods. Establish partnerships with community organizations and governmental entities to assist in accomplishing this vision.

In 2004, 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 2003 Housing Court staff consists of Judge C. Allen McConnell, Magistrate Susan Hartman Muska, Standby Magistrates Catherine G. Hoolahan and Alan J. Michalak, Senior Housing Specialist Gwen J. Wyse, Housing Specialists Barbara Falls and Richard S. Cutcher, Law Clerk George Robinson, II, Court Reporter Kenneth Gallaher, Deputy Ralph Green and Judges' Secretary Judy Heslet.

IMMOBILIZATION OFFICE/ RESPONSIBLE EDUCATED DRIVERS PROGRAM

Maggie Burmeister
Immobilization Officer

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 three types of driving infractions that will result in vehicle immobilization: driving without proper auto insurance (FRA), driving while under the influence of drugs and alcohol (DUI), and wrongful entrustment.

When the Court orders a vehicle immobilized, 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. The Judges approved the RED Program position as a permanent, full-time position. 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

During the 2003 calendar year, 212 vehicles were ordered immobilized and 252 vehicles were ordered released pending final disposition of the case without the club. In comparison, 199 vehicles were ordered immobilized and 249 vehicles were ordered released pending final disposition of the case without the club during the 2002 calendar year.

During the calendar year 2003, 1,983 defendants were referred to the RED Program from Court and Probation Department. Of those referred, 186 completed the program and obtained a valid Ohio Operator's License. In comparison, 1,350 defendants were referred to the RED Program from Court and 188 completed the program and obtained a valid Ohio Operator's License during 2002.

In March 2003, a presentation was given to the Toledo Bar Association Court Committee on this program. Also in March 2003, the Immobilization Officer attended the Lifesaver's Conference in Chicago, Illinois. In the fall of 2003, both the Immobilization Officer and RED Project Assistant attended three orientation programs on SB 123 (new O.V.I. traffic laws) that went into effect January 1, 2004.

The primary goal of the Immobilization Office and RED Program, during the calendar year 2004, is to support the Court in meeting the requirements of SB 123.

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