

CLEVELAND HEIGHTS

MUNICIPAL COURT

FIVE YEAR REPORT

January 1, 1976 - December, 1980

SARA R. HUNTER, JUDGE

#### AUTHORITY OF MUNICIPAL COURT

In 1951 the Ohio General Assembly, under authority of Article IV, Section 1 of the Ohio Constitution, adopted the Uniform Municipal Court Act, which established municipal courts as courts of record within the state judicial system, with powers and authority derived from state law. Originally 54 courts were created. The number has increased in each succeeding legislative session. The Cleveland Heights Municipal Court was established in 1958.

The act set population as the basis for the number of judges. Many exceptions to the population formula have been added to the law over the years, but caseload has not been formally adopted as a criterion. Statistics comparing caseload began to be collected in 1975 and were not available before that date.

January 1, 1975 was the effective date of the Ohio Supreme Court's Rules of Superintendence, which require uniformity in record keeping and caseload computation, making comparison possible for the first time. These rules, promulgated by constitutional authority, require monthly reporting to the Supreme Court of the activity within each municipal court. By setting standards for case numbering, courtroom and staff facilities, recording procedures, continuances and precedence of cases the rules have resulted in clarifying the position of municipal courts within the state system. The primary purposes of the Rules of Superintendence, which have been adopted for all trial courts in the state, is to

AUTHORITY (continued)

improve the administration of justice and to see that it is uniformly dispensed.

JURISDICTION OF THE COURT

CRIMINAL: Cleveland Heights Municipal Court has jurisdiction over all violations of municipal ordinances and over any misdemeanors committed within the city. In such matters its jurisdiction extends to final determination and sentencing. These include traffic, theft offenses, assaults, alcohol and drug cases, offenses involving animals, trespassing and the like. Other misdemeanors, involving the Housing, Zoning, Building, Health and Fire Codes, are heard in a separate Housing Court session.

The Court also conducts hearings on felonies committed within the city. The purpose of these hearings is to 1) set bail, and 2) determine probable cause for bindover to the County Grand Jury. A felony is any crime specifically classified as such by state law or, if not classified, one for which the penalty exceeds one year. The maximum jail sentence for most serious misdemeanor offenses is six months, but a misdemeanor is any offense where the penalty is less than one year.

CIVIL: Municipal Courts in Ohio have jurisdiction in disputes between parties where the cause of action occurred or the person sued resides within the court's territory. The amount involved may not exceed \$10,000. Civil cases include actions for breach of contract, claims for personal injury or property damage and evictions.

#### JURISDICTION (continued)

If the amount involved is \$500 or less, the case is heard by a referee in the Small Claims Division where special procedures make it easier for citizens to initiate actions on their own.

The Civil Department also handles Trusteeships, which protect debtors from garnishment as long as payments are made through the Court.

The Court also accepts deposits of rent under the 1974 Landlord-Tenant Law where there are allegations of code violations or disputes over obligations of the parties. Hearings may be initiated by tenant, landlord or court to consider not only applications for release of rent deposited but also to order code compliance in appropriate cases. Cleveland Heights has an unusually large number of these cases, which have proven effective in code enforcement for rental properties.

#### ACCOMPLISHMENTS-IMPROVEMENTS-CHANGES

During the past five years, many changes have been made to increase the level of services and efficiency of Cleveland Heights Municipal Court. Among these are: night traffic court; volunteer referees for civil hearings; LEAA funding for probation services; referral to community resources for alternative sentencing; improved security and better use of facilities; redesigned forms, dockets and files for efficiency and accuracy; and rewritten instructions for Small Claims to assist citizens. Procedures are continually reviewed to assure a continued high level of service to the public.

## BUDGET OF THE COURT

Cuyahoga County pays 40% of salary for judge, clerk, bailiff and referee. All other salaries and operating expenses come from municipal appropriation, approved by City Council. Ninety-five percent of fines, and 100% of costs, both civil and criminal, go to the city's General Operating Fund. The balance goes to the County or the State. The Court must also collect a special state cost for victims of crime in criminal cases, including traffic.

## APPOINTMENTS OF THE COURT

The Court must appoint a Clerk and Bailiff. Deputy clerks, deputy bailiffs, probation officers, assignment commissioners, court reporters, interpreters, psychologists, acting judges, social workers, or other court aides may be appointed as needed.

## SELECTION OF COURT CASES

A court cannot initiate a case and must deal with all cases that are brought before it and fit within its jurisdiction. A case is brought to the court only when some outside person or authority files it. Cases are brought before the court through traffic tickets, inspectional services citations, civil lawsuits, criminal complaints, and small claims. Caseload is determined by the number of filings in these categories. For example, the difference in caseload between 1976 and 1980 is the result of the issuance of about 5000 fewer traffic tickets in the latter year. On the other hand, during the same period, civil and other criminal cases increased.

CASE LOAD

	<u>1976</u>
Criminal	2,232
Traffic	15,944
Total Criminal	<u>18,176</u>
Civil	3,001
Trusteeship	16
Landlord-Tenant	30
Total Civil	<u>3,047</u>
Total Cases	<u>21,223</u>

	<u>1977</u>
Criminal	1,269
Traffic	16,458
Total Criminal	<u>17,727</u>
Civil	2,689
Trusteeship	13
Landlord-Tenant	30
Total Civil	<u>2,732</u>
Total Cases	<u>20,459</u>

	<u>1978</u>
Criminal	1,478
Traffic	15,512
Total Criminal	<u>16,990</u>
Civil	3,106
Trusteeship	9
Landlord-Tenant	42
Total Civil	<u>3,157</u>
Total Cases	<u>20,147</u>

	<u>1979</u>
Criminal	2,126
Traffic	12,196
Total Criminal	<u>14,322</u>
Civil	3,242
Trusteeship	8
Landlord-Tenant	106
Total Civil	<u>3,356</u>
Total Cases	<u>17,678</u>

	<u>1980</u>
Criminal	2,258
Traffic	10,750
Total Criminal	<u>13,008</u>
Civil	2,872
Trusteeship	5
Landlord-Tenant	13
Total Civil	<u>2,890</u>
Total Cases	<u>15,898</u>

ELIMINATION OF BACKLOG

When Judge Hunter came onto the bench in January 1976, there were 96 cases, 50 criminal and 46 civil, pending beyond the time standards set by the Ohio Supreme Court. The criminal backlog was quickly reduced, but the civil continued to grow, reaching a peak in May 1977. To deal with this problem, volunteer referees were recruited to pretry civil cases. This reduced the backlog considerably, but left many cases needing trial by a judge.

In 1980 assigned judges were used as provided by state law to hear some of these cases. By December 31, 1980 the Court had no cases pending over time.

STAFF OF COURT  
(as of December 1980)

Full time:

Sara R. Hunter, Judge  
Nancy Welchans, Clerk  
Doris M. Allen, Bailiff  
Vera DelBalso, Chief Deputy/Crim.  
Candida Nelson, Chief Deputy/Civil  
Ruth Andreano, Deputy Clerk  
Raymond Bruce, Deputy Bailiff  
Arlene Cohen, Deputy Clerk  
Pam Crawford, Deputy Clerk  
Karen Davis, Deputy Clerk  
Louise Fedchock, Deputy Clerk  
JoAnn Gallitto, Deputy Clerk  
Hazel Grant, Deputy Clerk  
Janice Hobson, Deputy Clerk  
Elaine Pearse, Deputy Clerk

Part time:

Bernard Direnfeld, Acting Judge  
Adrian Fink, Acting Judge  
Fred Mandel, Acting Judge  
Kenneth Montlack, Acting Judge  
Olive Conti, Deputy Clerk  
Mary Dacar, Probation\*  
Deborah Kamat, Law Clerk  
Jim Samuels, Referee  
Nancy Simpson, Probation\*  
Jay Weisman, Temporary Clerk  
Ellen Woodruff, Probation\*

Jury Commissioners: Jack Friedberg  
Roger Busler

Volunteer Referees: Gary Axner  
Steven Helfgott  
Mark Hoffman  
Jonathan Sobel

\* LEAA Funding 1980