

Officials: Keep mayor's court, clerk duties

Post staff report

A parade of officials from mayor's courts and county clerks of courts urged the Ohio Courts Futures Commission Tuesday not to abolish mayor's courts or curtail court clerk duties.

Michelle Nash of Reading Mayor's Court noted that her court handles 6,000 cases a year and said, "I doubt if Hamilton County Municipal Court would like all those extra cases."

"People in the community are not afraid to come to our court. We're responsive to the people," she said.

The commission, which is developing ideas on how Ohio courts should operate next century, is considering assigning mayor's court cases to county or municipal courts.

The 52-member commission, which will make its recommendations to Ohio Supreme Court Justice Thomas Moyer later this year, also is considering turning over most duties of elected clerks to non-elected court employees.

The public hearing at the Cincinnati Bar Association's downtown office Tuesday was one of 10 being held across the state on the future of Ohio courts.

The session was dominated by pleas to save mayor's courts and clerk's duties.

Mayor's courts are part-time tribunals where mayors handle traffic and parking tickets, and hear other minor offenses that generate fines for the village or city.

A preliminary report by the commission said there is a conflict of interest when a mayor conducts court and has a financial interest in the outcome of cases.

Forum focuses on judicial system's future

Before Tuesday's public hearing, the Ohio Courts Futures Commission conducted a round-table discussion of three issues:

- **Should judges** and clerks of courts be elected or appointed?
- **Should standard rules** exist for all 88 county courts?
- **Should special courts**, like for drug cases, serve several counties?

Hamilton County Clerk of Courts Jim Cissell said appointing court officials is an "elitist" idea pushed by people "who hold that the least democracy is the best."

"A dictator can always be more efficient, but I'm not sure that's where we want to go," said Cissell.

Cissell, a former U.S. prosecutor, said he has found that "those who are elected are much better at allocating resources and conserving funds" than



Jim Cissell

judges in a bad light.

University of Cincinnati College of Law Dean Joseph Tomain, a member of the commission, said that while "electing judges sounds great," judicial appointments and elections "are both highly political."

Tomain said a concern about electing judges is that "knowledge of the electorate about judges is absolutely minimal."

As for standardizing rules in all 88

appointed officials.

Hamilton County Common Pleas Court Judge Mark Schweikert said clerks of courts should be elected, not appointed by judges, in order to prevent judges from ordering clerks to alter or destroy public records that may put

county courts, Pam Popp, a trial attorney and former president of the Cincinnati Bar Association, said it would help lawyers and clients immensely.

"It ought not to be that there are (court) forms in each county that are different from other counties," said Ms. Popp, who noted that lawyers often represent clients in several counties.

Tomain agreed that "local barriers need to be broken down" and predicted that technologies such as the Internet "will help lead to standardization."

The commission is trying to decide if it's a good idea to set up specialized courts, like the drug court in Hamilton County, and have them serve several surrounding counties.

Such a system would mean counties would give up local control of some cases and defer to a court supposedly more informed on the matter in another county.

Wyoming City Solicitor Frank Klaine said his community's 1,500 cases a year brings in only \$23,000 annually, "a very small portion of our budget."

"We budget \$30,000 a year for police overtime for mayor's court and forcing our police to come downtown (to municipal court) would increase our costs," Klaine said.

Forest Park Mayor Wayne Coates said abolishing mayor's courts would go against the commission's goal of making courts more responsive to people.

"We do not want to throw out a system that works," Coates said.

A preliminary report by the courts commission recommended that elected clerks of courts hand over most of their

administrative duties to the courts — a move that largely would leave clerks with only motor vehicle title duties.

Clinton County Clerk of Courts JoAnne Curliss urged commission members: "Don't take away a very basic grass-roots right — the right to elect clerks of courts."