

THE SUPREME COURT *of* OHIO

MAYOR'S COURTS

Forms Instructions
and
Education & Procedure Rules



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**OHIO REVISED CODE [§ 1905.03.3] § 1905.033.
ANNUAL REGISTRATION WITH SUPREME COURT; REPORTS**

(A) The mayor of a municipal corporation who conducts a mayor's court shall register annually with the Supreme Court as provided in this division. The mayor shall file the registration on a form prescribed by the Supreme Court and not later than the 15th day of January in any year in which the mayor conducts a mayor's court or at least 15 days before the mayor first conducts a mayor's court in a particular year, whichever is later. The registration shall include the name of the mayor, the name of any magistrate appointed by the mayor pursuant to section 1905.05 of the Revised Code, and the dates on which the mayor and magistrate last received the training required by section 1905.031 [1905.03.1] of the Revised Code.

(B) The mayor of any municipal corporation who conducts a mayor's court shall make the following reports:

(1) A report to the Supreme Court of all cases filed, pending or terminated in the mayor's court in the reporting period covered by the report, and any financial, dispositional, and other information that the Supreme Court prescribes by rule. The mayor shall make the report under division (B)(1) of this section on a form prescribed by the Supreme Court and not later than the 15th day of January, April, July and October of each year. The report shall cover all cases filed, pending, or terminated in the mayor's court for the calendar quarter preceding the appropriate filing date.

(2) A report to the bureau of criminal identification and investigation of every conviction in the mayor's court for an offense that is a misdemeanor on a first offense and a felony on any subsequent offense. The mayor shall make the report under division (B)(2) of this section upon entry of the judgment of conviction for the offense.

(C) A mayor of a municipal corporation who fails to comply with the general law on registering and reporting under this section shall not conduct a mayor's court.



PURPOSE STATEMENT FOR REGISTERING AND REPORTING

All mayor's courts in the state of Ohio are required to register annually with the Supreme Court of Ohio as a condition of operating a court. In addition, they are to report quarterly on a form prescribed by the Supreme Court of Ohio as a condition of holding court. It is the obligation of the court to operate in a lawful, fair, impartial and efficient manner to achieve liberty and justice for all under the law.

The purpose of registering and reporting is to (1) identify all municipalities or villages that operate a mayor's court and provide mayor/acting mayor/magistrates' names and dates of required continuing education; (2) provide statistical data for the number of cases filed, pending and terminated in a mayor's court, similar to those made by municipal and county courts; and (3) provide a basic case management tool for measuring a court's compliance with case processing time guidelines and to identify whether a court is current with its incoming caseload.



I. MAYOR’S COURT ANNUAL REGISTRATION FORM

(see sample form on p. 7).

In accordance with Rules 3 and 4 of the “Mayor’s Court Education and Procedure Rules,” a mayor or magistrate conducting a mayor’s court (other than a retired judge or sitting magistrate of a court of record) must complete the following educational requirements:

- if the mayor’s court hears prosecutions of alcohol- or drug-related traffic offenses, six initial hours of related training and three hours of continuing education annually thereafter;
- if the mayor’s court hears prosecutions of other traffic offenses unrelated to alcohol or drugs, six initial hours of related training and three hours of continuing education annually thereafter; or
- if the mayor’s court hears prosecutions of both categories of offenses, both of the previous educational requirements.

A. Information Requested

1. *Court Name:* Name of the mayor’s court.
2. *Court Code:* A four-digit county/court code unique to each municipality and village. The code is generated by the Ohio Department of Public Safety and used to record the dispositions of traffic convictions as reported by each court. If you do not know your court code, contact the Bureau of Motor Vehicles (BMV).
3. *Registration for Year:* Year for which the mayor’s court is registering.

B. Mayor’s Education Information

1. *Mayor’s Name:* Name of the current mayor.
2. *Attorney Registration Number (if applicable):* Number assigned by the Supreme Court of Ohio upon admission to the Ohio bar. Attorney registration numbers are available at www.supremecourt.ohio.gov/AttySvcs/AttyReg/default.asp.

3. Educational Requirements

- a) **General/O.V.I.:** Expiration date of most recent education for each category.
- b) **Exemptions: May. R. 3 and 4(D)(1) or May. R. 3 and 4(D)(2)**
The education requirements of this rule shall not apply to a mayor or mayor’s court magistrate appointed pursuant to R.C. 1905.05 who, during the term of his or her appointment, is either of the following:
 - i. A retired judge eligible for assignment by the Chief Justice of the Supreme Court of Ohio to active duty in the general division of the court of common pleas, a municipal court or a county court;

- ii. A court magistrate who serves on a full- or part-time basis in the general division of a court of common pleas, a municipal court or a county court, pursuant to the Rules of Criminal or Civil Procedure or the Ohio Traffic Rules.

C. **Acting Mayor's Education Information & Magistrate Education Information:** The information required is identical to that required of the mayor.

D. **Mayor's Name and Signature:** The mayor must print and sign the form before it is accepted.

E. **Preparer's Name and Phone Number:** The form preparer must provide a name and contact information.

THE SUPREME COURT OF OHIO
MAYOR'S COURT ANNUAL REGISTRATION FORM

Electronic Registration: supremecourtsohio.gov/JCS/mayors/MayorsCourt

Court Name _____

Court Code _____ Registration for Year _____

Mayor's Education Information

Mayor's Name _____ Attorney Registration No. _____
If applicable

Date of Most Recently Completed Education or Applicable Exemptions

General _____ O.V.I. _____

Exemptions* *(check if applicable)* May.Ed.R. 3(D)(1) and 4(D)(1) or May.Ed.R. 3(D)(2) and 4(D)(2)

Acting Mayor's Education Information

Acting Mayor's Name _____ Attorney Registration No. _____
If applicable

Date of Most Recently Completed Education or Applicable Exemptions

General _____ O.V.I. _____

Exemptions* *(check if applicable)* May.Ed.R. 3(D)(1) and 4(D)(1) or May.Ed.R. 3(D)(2) and 4(D)(2)

Magistrate Education Information

For multiple magistrate information, please attach additional sheets. If additional sheets are attached, please check here

Magistrate's Name _____

Attorney Registration No. _____

Date of Most Recently Completed Education or Applicable Exemptions

General _____ O.V.I. _____

Exemptions* *(check if applicable)* May.Ed.R. 3(D)(1) and 4(D)(1) or May.Ed.R. 3(D)(2) and 4(D)(2)

Mayor's Name _____
Please print

Mayor's Signature _____ Date _____

Preparer's Name _____ Phone _____
Please print

Preparer's Email _____

Register electronically: supremecourtsohio.gov/JCS/mayors/MayorsCourt or send by email, fax, or mail:

Email: CaseMgmt@sc.ohio.gov

Fax: 614.387.9409

Mail: Case Management Section
The Supreme Court of Ohio
65 S. Front Street, 6th Floor
Columbus, Ohio 43215-3431

***Education Exemptions:**

(1) Pursuant to May.Ed.R. 3(D)(1) and 4(D)(1), a retired judge eligible for assignment by the Chief Justice of the Supreme Court of Ohio to active duty in the general division of the court of common pleas, a municipal court, or a county court is exempt from the education requirements of those rules.(2) Pursuant to May.Ed.R. 3(D)(2) and 4(D)(2), a court magistrate who serves on a fulltime or part-time basis in the general division of the court of common pleas, a municipal court, or a county court is exempt from the education requirements of those rules



II. **MAYOR'S COURT INFORMATION UPDATE FORM**

(see sample form on p. 11).

A. **Basic Information**

1. *Court Name:* Name of the mayor's court.
2. *Court Code:* A four-digit county/court code unique to each municipality and village. The code is generated by the Ohio Department of Public Safety and used to record the dispositions of traffic convictions as reported by each court. If you do not know your court code, contact the BMV.

B. **Change in Court Address or Contact Information**

1. *Mailing Address:* Mailing address (e.g., P.O. Box) for the city or village.
2. *Phone:* A city or village office number is preferred.
3. *Court e-mail:* An e-mail address containing the court's name is preferred to ensure accurate communication.

C. **Change in Status:** Provide the date the status change is effective.

D. **Change in Mayor, Acting Mayor or Magistrate:** Provide the new mayor's name, attorney registration number (if applicable) and the effective date of the personnel change.

E. **Education Status Update:** Provide the new expiration date for certification in general case processing and O.V.I. cases or both. Indicate whether the mayor, acting mayor or magistrate meets the education requirement exemption by checking the appropriate box.



THE SUPREME COURT OF OHIO MAYOR'S COURT INFORMATION UPDATE FORM

Court Name _____ Court Code _____

Change in Court Address or Contact Information

Complete this section if court address, phone, or e-mail address has changed

Mailing Address _____

Phone _____ Court E-mail _____

E-mail addresses containing the court's name ensure more accurate communication

Change in Status

Check one of the boxes below

Active to Inactive Inactive to Active New Court Effective Date _____

Change in Mayor, Acting Mayor, or Magistrate

Complete this section if there is a change in either mayor, acting mayor, or magistrates

	Print Name	Attorney Registration Number (if applicable)	Effective Date
Mayor	_____	_____	_____
Acting Mayor	_____	_____	_____
Magistrate	_____	_____	_____

For multiple magistrates, please attach additional sheets. If additional sheets are attached, check here

Education Status Update

Complete this section if updating education information

	Date of Most Recently Completed Education		Exemptions (check if applicable)	
	General	O.V.I.	May.Ed.R. 3 (D)(1) and 4(D)(1)	May.Ed.R. 3 (D)(2) and 4(D)(2)
Mayor	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
Acting Mayor	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
Magistrate	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

For multiple magistrates, please attach additional sheets. If additional sheets are attached, check here

Mayor's Name _____
Please print

Mayor's Signature _____ Date _____

Preparer's Name _____ Phone _____
Please print

Preparer's Email _____

Send by email, fax, or mail:

Email: CaseMgmt@sc.ohio.gov
 Fax: 614.387.9409
 Mail: Case Management Section
 The Supreme Court of Ohio
 65 S. Front Street, 6th Floor
 Columbus, Ohio 43215-3431



III. MAYOR'S COURT CASELOAD REPORT FORM

(see sample form on p. 21).

A. Reporting Deadlines

Each mayor of a municipal corporation or village that operates a mayor's court shall submit to the Case Management Section of the Supreme Court a quarterly caseload report. The report must be received by the 15th day following the end of the quarter. Reports cover the following periods:

Quarter	Reporting Period	Reporting Deadline
1 st	January – March	April 15
2 nd	April – June	July 15
3 rd	July – September	Oct. 15
4 th	October – December	Jan. 15

B. **Mathematical Accuracy.** Reports are considered mathematically accurate when they meet the tests set forth in divisions (B) (1) through (C).

1. The number of cases pending on the first day of the period; plus new cases filed; plus cases transferred in, reactivated or redesignated; minus the total cases terminated must equal the cases pending at the end of the period.
2. The sum of cases in every column on a given line must equal the cases in the Total column for that line.
3. Where a Total column intersects a Total line, the entry **must** be the same, whether arrived at by adding horizontally or vertically.

C. **Month-to-Month Consistency.** The number of cases reported as pending at the end of a reporting period must equal the number of cases reported as pending at the beginning of the next reporting period.

D. **Correction of Reporting Errors.** When errors are discovered on a report submitted to the Case Management Section, the preparer shall submit a corrected report for the same reporting period, clearly indicating on the face of the report that it is corrected. The preparer shall explain the nature of the corrected error(s) and shall specifically refer to the line number and column letter designations of the erroneous entry or entries.

When an error cannot be traced to a specific report period, adjustments shall be made on the current report form. Time guidelines shall be computed based on the original filing date. In accordance with Section C (Month-to-Month Consistency) above, the number of

cases reported as pending at the end of any reporting period will **always** equal the number of cases reported as pending at the beginning of the next reporting period even when adjustments are necessary.

- E. **Comprehensiveness and Coherence:** Carefully observing the definitions applicable to each column and line will enhance the comprehensiveness (reporting the filing and terminations of all cases) and coherence (all courts consistently defining and reporting cases with similar fact patterns in a similar way) of the report form.
- F. **Report Columns – Definitions:** Each column on the Mayor’s Court Caseload Report Form is marked with an alphabetical designator. These letters, when used with the horizontal line numbers, identify entries for reference when amending or questioning reports.

The following definitions describe the types of cases that should be reported in each column.

- 1. **Misdemeanors – Column B.** A misdemeanor is defined by R.C. 2901.02 and Crim.R. 2 as an offense specifically classified as a misdemeanor, or an unclassified offense for which imprisonment of no more than one year can be imposed.

Violations of state law, as well as local ordinances satisfying this definition, except those that should be reported in Columns C and D, should be reported in Column B.

- a) Operating a vehicle while under the influence (O.V.I.) and Other Traffic cases are reported separately in Columns C and D, and are **NOT** to be reported in Column B.
 - b) When an accused is charged with an offense classified as a Misdemeanor and an offense classified as an O.V.I. or Other Traffic arising out of the same act, transaction or series of acts or transactions, report the case in both columns.
 - c) See Sup.R.43 (*see p. 28*) and its commentary for a recommended case numbering system to be used when an accused is charged with two or more offenses that fall into different classifications and, therefore, could be reported in different columns.
- 2. **O.V.I. – Column C.** O.V.I. is an offense that charges a violation of R.C. 4511.19 or any local ordinance that similarly prohibits operating a vehicle while under the influence of alcohol or any drug of abuse. Cases satisfying this definition should be reported in Column C.
 - a) When an accused is charged with an offense classified as a Misdemeanor and an offense classified as O.V.I. or Other Traffic arising out of the same act, transaction or series of acts or transactions, report the case in both columns.
 - b) When an accused is charged with an offense classified as O.V.I. and any offense classified as Other Traffic arising out of the same act, transaction or series of acts

or transactions, the case is to be reported **only** in Column C.

- c) While O.V.I. cases also satisfy the definition of Misdemeanor contained in the instructions for Column B, O.V.I. cases should be reported only once, in Column C.
 - d) See Sup.R. 43 and its commentary for a recommended case numbering system to use when an accused is charged with two or more offenses that fall into different classifications.
3. **Other Traffic - Column D.** Other Traffic is defined as any violation of state law or local ordinance arising out of the use of any type of motor vehicle generally used on state roads, except an offense that charges a violation of R.C. 4511.19 (O.V.I.) or any local ordinance that prohibits the operation of a vehicle while under the influence of alcohol or any drug of abuse. Report these cases in Column D.
- a) When an accused is charged with an offense classified as O.V.I. and any offense classified as Other Traffic arising out of the same act, transaction or series of acts or transactions, report the case **ONLY** in Column C.
 - b) When an accused is charged with an offense classified as a Misdemeanor and an offense classified as Other Traffic arising out of the same act, transaction or series of acts or transactions, the case should be reported in both columns.
 - c) Juvenile tickets clerked or handled through a diversion program are **NOT** to be reported in Column D or anywhere on this report form.
 - d) Parking violations of any type, even if contested, are **NOT** to be reported in Column D or anywhere else on this report form.
 - e) See Sup.R. 43 and its commentary for a case numbering system recommended for cases where an accused is charged with two or more offenses that fall into different classifications.
4. **Total - Column T.** This column is used to report the sum of cases in Columns B, C and D on the horizontal line of the Mayor's Court Report Form. An entry should appear in this column for each line, except Line 18. If no activity is reported in any column for a particular line, a zero should appear in Column T for that line.

G. Report Lines - Definitions

Each line on the Mayor's Court Report is marked with a numeric designator. These numbers, when used with the vertical column letters, may be used to identify entries. The following definitions describe the types of case activity that should be reported on each line and should be used with the case numbering provisions in Sup.R. 43.

LINES 1-4

1. **Pending Beginning of Period - Line 1.** All cases pending at the beginning of the reporting period must be reported on this line. Line 1 **must** be the same as Line 16 (Pending End of Period) of the Mayor's Court Report filed for the preceding quarter.
2. **New Cases Filed - Line 2.** All new cases filed during the reporting period must be included in the appropriate column on this line. For purposes of calculating the age of the case, the time begins when the case was first reported as filed in most circumstances.
3. **Cases Transferred In, Reactivated or Redesignated - Line 3.**
 - a) All cases that previously were terminated are to be reported in the appropriate column on Line 3 during any reporting period in which they are reactivated for further proceedings.

A Misdemeanor, O.V.I. or Other Traffic case previously terminated because of the unavailability of the accused is reactivated and reported on Line 3 if the accused subsequently becomes available. The indicated time period for termination is suspended for the period the accused is unavailable for trial.

A case previously terminated on the merits and subsequently reactivated because of a probation violation or other similar post-decree motion, shall not be reported on this line or anywhere else on this report.
 - b) A case initially may be reported in a particular column and it later may become apparent that the case should be classified in a different category. In that event, the case should be reported as terminated on Line 14 and reported as a redesignated case in the appropriate column on this line.

For example, a case may be filed or reported in Column D as an Other Traffic case, but should have been reported as an O.V.I. case. In that situation, the case would be reported as terminated on Line 14 (Other Terminations), Column D, and entered as a redesignated case in Column C (O.V.I.) on Line 3.
 - c) A case previously terminated by transfer to another court and subsequently remanded to the mayor's court for disposition on the merits is reactivated on Line 3 in the appropriate column on this report. The indicated time period for termination begins upon reactivation.
4. **Total - Line 4.** The sums of Lines 1, 2, and 3 in each column should be reported on Line 4. When added horizontally, the sum of the entries on Line 4 in Columns B through D **must** equal the sum of Lines 1, 2, and 3 in Column T.

LINES 5-15: TERMINATIONS

A criminal case (Misdemeanor, O.V.I. or Other Traffic) is considered terminated for reporting purposes when a sentencing entry is filed with the clerk of courts for journalization.

In multiple-charge cases, a case is considered terminated upon the conclusion of all charges. The termination of a multiple-charge case is based on the first applicable termination on the report form.

For example, if an O.V.I. charge is dismissed and there is a guilty plea to a minor traffic charge, the case is reported in the O.V.I. category (Column C) as a guilty plea because the guilty plea termination line appears before the dismissal line on the report form.

5. **Trial by Mayor/Acting Mayor - Line 5.** This line is used to report the cases in each category that are terminated as a result of a trial by the mayor/acting mayor. A case is considered terminated by court trial if judgment is rendered after the first witness was sworn. Thus, a case in which the defendant changed his or her plea, or that is dismissed after the first witness was sworn, is reported on this line at the conclusion of the proceedings.
6. **Trial by Magistrate - Line 6.** This line is used to report the cases in each category that are terminated as a result of a trial by magistrate. A case is considered terminated by court trial if judgment is rendered after the first witness was sworn. Thus, a case in which the defendant changed his or her plea, or that is dismissed after the first witness was sworn, is reported on this line at the conclusion of the proceedings.
7. **Guilty or No Contest Plea to Original Charge - Line 7.** All cases in which the accused entered a plea of guilty or no contest to the charge contained in the charging instrument are reported in the appropriate column on Line 7. If a defendant previously entered a plea of "not guilty" and changes the plea after a witness was sworn, the case is reported in the appropriate column on Line 5 or 6.
8. **Guilty or No Contest Plea to Reduced Charge - Line 8.** All cases in which the accused entered a plea of guilty or no contest to a charge or charges that results in a lesser penalty (fine, points, license suspensions, jail term) than contained in the charging instrument are reported in the appropriate column on this line. For example, if a defendant is charged with Driving Under Suspension and pleads to a reduced charge of No Operator's License, the case would be reported on this line. If a defendant previously entered a plea of "not guilty" and changes the plea after a witness was sworn, the case is reported in the appropriate column on Line 5 or 6.
9. **Transfer to Other Court - Line 9.** Cases transferred from a mayor's court to another court are reported in the appropriate column on Line 9.

10. **Dismissal for Lack of Speedy Trial or Want of Prosecution - Line 10.** Cases dismissed for failure of the accused to receive a speedy trial pursuant to R.C. 2945.73 and cases dismissed for want of prosecution pursuant to Sup.R. 40 are reported on this line.
11. **Other Dismissal - Line 11.** Cases dismissed with or without prejudice for any reason other than those described on Line 10 are reported in the appropriate column on Line 11.
12. **Violations Bureau - Line 12.** Misdemeanor and Other Traffic cases disposed of by payment to a violations bureau are reported on Line 12.
13. **Unavailability of Accused - Line 13.** Misdemeanor, O.V.I. and Other Traffic cases terminated because of the unavailability of the accused are reported on Line 13.

For example, a party may be unavailable because of mental status, incarceration on other charges or flight from prosecution or custody. A case should be reported on this line only when the court, while exercising discretion, determines that there is little likelihood the accused will be available for trial, hearing or sentencing within a reasonable period of time and issues a warrant.

The case is reactivated and reported on Line 3 if the accused subsequently becomes available. The time guideline is suspended for the period the case is considered inactive.

14. **Other Terminations - Line 14.** Cases terminated in any manner not specifically required to be reported on Lines 5-13 are reported on Line 14.
15. **Total - Line 15.** The sum of Lines 5-14 is reported on Line 15. When added horizontally, the sum of Columns B-D reported in Column T on this line **must** equal the sum of Lines 5-14 in Column T.

LINES 16-19

16. **Pending at End of Period - Line 16.** The number of cases pending at the close of business on the last day of the reporting period is reported in the appropriate column on Line 16. This figure should equal the number of cases reported terminated in each column on Line 15, subtracted from the number of cases reported in each column on Line 4.
17. **Cases Pending Beyond Time Guidelines - Line 17.** The number of cases pending (as reported on Line 16) for a period of time in excess of the applicable time guideline is reported on Line 17.
 - a) The time guideline for each category of case is indicated on the line immediately above Line 17.

- b) To compute the length of time a case has been pending, the starting date should be the date on which the case was originally filed. For example, if submitting a report for the first quarter 2004 (Jan. 1 through March 31), a case originally filed on June 15, 2003, would now be reported as three months over the time guideline.
 - c) It is recommended the mayor prepare a monthly report of cases pending beyond time guidelines. The report should indicate the reason cases are pending beyond the time guidelines. This report is a case management tool to be used internally by the mayor's court and does not at this time need to be submitted to the Supreme Court Case Management Section.
18. **Number of Months Oldest Case is Beyond Time Guidelines - Line 18.** The number of months that the oldest case in each category reported on Line 17 is pending beyond the applicable time guideline is reported in the appropriate column on this line. This is the only line on the Mayor's Report that does not contain a number of cases. Instead, this line contains the number of months a case has been pending beyond the applicable time guideline.
- a) The time guideline for each category of case is indicated on the line immediately above Line 17.
 - b) To compute the length of time a case is pending, the starting date should be the date the case originally was reported as filed.
19. **Cases Submitted Awaiting Sentencing Beyond Time Guideline - Line 19.** Cases pending beyond the applicable time guideline (as reported on Line 17), because the cases were submitted and are awaiting the final judgment or sentencing, are reported in the appropriate column on Line 19. Cases pending beyond the applicable time guideline for any other reason are not included on this line.

SIGNATURE LINES

The mayor must sign and date the report on the line marked "Mayor's Signature."

The preparer, if other than the mayor, must provide his or her name and telephone number and date the report on the line marked "Preparer's Name/Telephone."

It is recommended that each court conduct an annual physical case inventory.
(See *Sup.R. 38, p. 27*).

Sample forms are available at www.supremecourt.ohio.gov/JCS/mayors/default.asp.



THE SUPREME COURT OF OHIO MAYOR'S COURT CASELOAD REPORT

Court _____ Court Code _____

Mailing Address _____

Report for Quarter _____, 20_____

		B	C	D	T
		Misdemeanors	O.V.I.	Other Traffic	Total
	1				
Pending beginning of period	1				1
	2				2
New cases filed	2				2
	3				3
Cases transferred in, reactivated, or redesignated	3				3
TOTAL (Add lines 1-3)	4				4

TERMINATIONS BY:

		B	C	D	T
	5				
Trial by mayor/acting mayor	5				5
	6				6
Trial by magistrate	6				6
	7				7
Guilty or no contest plea to original charge	7				7
	8				8
Guilty or no contest plea to reduced charge	8				8
	9				9
Transfer to other court	9				9
	10				10
Dismissal for lack of speedy trial or want of prosecution	10				10
	11				11
Other dismissal	11				11
	12		X		12
Violations Bureau	12				12
	13				13
Unavailability of accused	13				13
	14				14
Other terminations	14				14
TOTAL (Add lines 5-14)	15				15
	16				16
Pending at end of period (Subtract line 15 from line 4)	16				16
Time Guidelines (Months)		6	6	6	X
	17				17
Cases pending beyond time guidelines	17				17
	18				18
Number of months oldest case is beyond time guidelines	18				X
	19				19
Cases submitted awaiting sentencing beyond time guidelines	19				19

Email, Fax, or Mail to:
Case Management Section
The Supreme Court of Ohio
65 S. Front Street, 6th Floor
Columbus, Ohio 43215-3431
Fax 614.387.9409
Email CaseMgmt@sc.ohio.gov

Mayor's Name (please print)

Mayor's Signature

Date

Preparer's Name (please print)

Phone



RULE 38. Annual Case Inventory; New Judge Inventory.

(A) Definitions

As used in this rule:

(1) “Case inventory” means the review of the physical or electronic case files, as applicable, to ensure an accurate count and to evaluate the accuracy of the court’s case management practice.

(2) “Case file” means the compendium of documents and information in documents submitted to a court or filed with a clerk of court in a judicial action or proceeding.

(B) Requirement

Within three months of the date of a judge taking office to the court of appeals, court of common pleas, municipal court, or county court and thereafter annually on or before October 1st, the judge shall be responsible for the completion of a case inventory of all cases reported as pending on the applicable statistical report forms filed by the judge in accordance with the instructions prescribed by the Case Management Section of the Supreme Court. If determined necessary by the judge, the judge may include in the case inventory all cases reported as closed or inactive on the applicable statistical report forms filed by the judge.

(C) Documentation of inventory

A judge shall document completion of a case inventory performed pursuant to division (B) of this rule in the appropriate space on the applicable statistical report forms.

(D) Reporting of discrepancies

A judge shall report corrections of discrepancies found during a case inventory performed pursuant to division (B) of this rule on the next statistical report form filed after the inventory is completed.

INSTRUCTIONS FOR COMPLETION OF CASE INVENTORY

New Judge Inventory.

1. Within three months of the date of a judge taking office to the court of appeals, court of common pleas, municipal court, or county court, the judge shall be responsible for the completion of a physical or electronic case inventory, as applicable, of all pending cases.
2. A case inventory involves actually reviewing the physical case files, if the court maintains paper files, or the electronic case files, if the court maintains electronic files through a case management system. A judge decides whether reviewing closed or inactive cases is necessary; however, pending cases must be reviewed. A computer-generated list of pending cases may be used to identify the pending cases which must be physically or electronically retrieved and reviewed.
3. Once the physical or electronic case files, as applicable, are retrieved, a judge should review each file and do the following:
 - a. Identify cases in which a conflict of interest exists and therefore must be reassigned to another judge of the court or assigned to a visiting judge;
 - b. Identify cases that lack a next scheduled event date;
 - c. Identify cases that should be terminated or closed for purposes of reporting on the Supreme Court of Ohio Statistical Report Form;
 - d. Identify cases that are ripe for settlement or resolution prior to the scheduled trial date;
 - e. Identify cases that have been incorrectly classified on a previous report.
4. A judge shall document completion of the case inventory in the space provided on the applicable statistical report form by indicating the date the most recent case inventory was completed.
5. A judge may amend any report the judge's predecessors previously submitted. For example, a case inventory performed pursuant to Sup.R. 38 might reveal cases that are pending that were not previously being reported as such or cases that had been previously reported as pending which in fact have been terminated. In these and similar instances, the report preparer (if other than the judge) should confer with the reporting judge to determine the best solution for resolving the discrepant pending case counts or contact the Case Management Section for assistance. The most important goal is to ensure good quality data going forward.

Annual Case Inventory.

1. The judge shall be responsible for annually completing a physical or electronic case inventory, as applicable, of all pending cases.
2. A case inventory involves actually reviewing the physical case files, if the court maintains paper files, or the electronic case files, if the court maintains electronic files through a case management system. A judge decides whether reviewing closed or inactive cases is necessary; however, pending cases must be reviewed. A computer-generated list of pending cases may be used to identify the pending cases which must be physically or electronically retrieved and reviewed.

3. Once the physical or electronic case files, as applicable, are retrieved, a judge should review each file and do the following:
 - a. Identify cases that lack a next scheduled event date;
 - b. Identify cases that should be terminated or closed for purposes of reporting on the Supreme Court of Ohio Statistical Report Form;
 - c. Identify cases that are ripe for settlement or resolution prior to the scheduled trial date;
 - d. Identify cases that have been incorrectly classified on a previous report.
4. A judge shall document completion of the case inventory in the space provided on the applicable statistical report form by indicating the date the most recent case inventory was completed.
5. A judge may amend any report the judge's predecessors previously submitted. For example, a case inventory performed pursuant to Sup.R. 38 might reveal cases that are pending that were not previously being reported as such or cases that had been previously reported as pending which in fact have been terminated. In these and similar instances, the report preparer (if other than the judge) should confer with the reporting judge to determine the best solution for resolving the discrepant pending case counts or contact the Case Management Section for assistance. The most important goal is to ensure good quality data going forward.



EDUCATION AND PROCEDURE RULES

RULE 1. Authority and Purpose; Citation.

(A) Pursuant to sections 1905.03 and 1905.031 of the Revised Code and Section 6 of Amended Substitute Senate Bill 131 of the 118th General Assembly, and to serve the public interest that mandates the fair, competent, and efficient operation of mayor's courts throughout Ohio, the Supreme Court of Ohio hereby adopts the following Mayor's Court Education and Procedure Rules. Each mayor of a municipal corporation who is authorized to conduct a mayor's court pursuant to Chapter 1905. of the Revised Code and who wishes to exercise the jurisdiction and authority granted pursuant to Chapter 1905. of the Revised Code shall comply with these rules.

(B) These rules shall be known as the Mayor's Court Education and Procedure Rules and shall be cited as "May. R. ___."

[Effective: February 18, 1991; amended effective August 1, 1991.]

RULE 2. Definitions.

As used in these rules:

(A) "Alcohol or drug related traffic offense" means all of the following, subject to the limitation contained in division (B) (2) of section 1905.01 of the Revised Code:

(1) A violation of section 4511.19 of the Revised Code;

(2) A violation of any ordinance of a municipal corporation relating to the operation of a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;

(3) A violation of any ordinance of a municipal corporation relating to the operation of a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine.

(B) "Mayor" means a duly elected or appointed executive of a municipal corporation and includes a municipal official who is authorized by statute, charter, or municipal ordinance to conduct mayor's court in the absence of the mayor, and a magistrate appointed pursuant to section 1905.05 of the Revised Code. [Effective: February 18, 1991.]

RULE 3. Initial and Continuing Education Requirements for Mayors; Alcohol- or Drug-Related Traffic Offenses.

(A)(1) Prior to July 1, 1991, a mayor of a municipal corporation who is authorized to conduct a mayor's court and who, from July 1, 1991 to December 31, 1992, wishes to exercise the jurisdiction granted by section 1905.01 of the Revised Code over prosecutions involving an alcohol or drug related traffic offense shall obtain a minimum of six hours of classroom instruction related to all of the following:

(a) The general principles of law applicable to the hearing and determination of the prosecution of alcohol- or drug-related traffic offenses, including, but not limited to, the elements required to establish the existence of an alcohol- or drug-related traffic offense, and arrest, due process, and other constitutional issues presented in the hearing and determination of the prosecution of

alcohol or drug related traffic offenses;

(b) The procedural requirements applicable to the hearing and determination of prosecutions of alcohol or drug related traffic offenses, including, but not limited to, all of the following;

(i) Use of the Ohio Uniform Traffic Ticket, as prescribed in the Ohio Traffic Rules, as the complaint and summons for alcohol or drug related traffic offenses;

(ii) Requirements relative to the initial appearance of the defendant, including the requirement that defendant be informed of his constitutional and statutory rights;

(iii) Consideration and disposition of pretrial motions, including motions to suppress evidence;

(iv) Applicable discovery rules;

(v) Procedures for the pretrial suspension of the operator's license of the defendant.

(c) Defenses that may be raised by defendants charged with alcohol-or drug-related traffic offenses;

(d) Evidentiary issues presented in the hearing and determination of prosecutions of alcohol- or drug-related traffic offenses, including, but not limited to, the admissibility of breath, blood, and urine test results and the admissibility of field test results and other evidence;

(e) Considerations relative to the sentencing of persons convicted of alcohol- or drug-related traffic offenses, including, but not limited to, the sanctions required and allowed to be imposed under state law or local ordinance, the disposition of fines and costs imposed under state law or local ordinance, and the procedures required to ensure the proper reporting of violations to the Ohio Bureau of Motor Vehicles;

(f) Ethical considerations relative to the hearing and determination of prosecutions involving alcohol- or drug-related traffic offenses.

(2) A mayor who satisfies the education requirements of division (A)(1) of this rule may exercise jurisdiction pursuant to section 1905.01 of the Revised Code over prosecutions involving alcohol or drug related traffic offenses through December 31, 1992.

(B)(1) A newly elected or newly appointed mayor of a municipal corporation who is authorized to conduct a mayor's court and who wishes to exercise the jurisdiction granted by section 1905.01 of the Revised Code over prosecutions involving an alcohol- or drug-related traffic offense shall obtain, within sixty days of first assuming office, a minimum of six hours of classroom instruction related to all of the subjects listed in divisions (A)(1)(a) to (A)(1)(f) of this rule. A mayor who satisfies the education requirements of division (B)(1) of this rule may exercise jurisdiction pursuant to section 1905.01 of the Revised Code over prosecutions involving alcohol- or drug-related traffic offenses through the thirty-first day of December of the year immediately following the year in which the education was completed.

(2) A mayor of a municipal corporation who, after assuming office in a municipal corporation that does not operate or that has suspended operation of a mayor's court, subsequently is required or subsequently chooses to conduct a mayor's court and who wishes to exercise the

jurisdiction granted by section 1905.01 of the Revised Code over prosecutions involving alcohol- or drug-related traffic offenses, shall obtain, prior to first exercising that jurisdiction, a minimum of six hours of classroom instruction related to all of the subjects listed in divisions (A)(1)(a) to (A)(1)(f) of this rule. A mayor who satisfies the education requirements of division (B)(2) of this rule may exercise jurisdiction pursuant to section 1905.01 of the Revised Code over prosecutions involving alcohol- or drug-related traffic offenses through the thirty-first day of December of the year immediately following the year in which the education was completed.

(C) After complying with the initial education requirements of division (A) or (B) of this rule, a mayor who wishes to continue to exercise the jurisdiction granted by section 1905.01 of the Revised Code over prosecutions involving an alcohol- or drug-related traffic offense shall obtain a minimum of three hours of continuing education annually on one or more of the subjects listed in divisions (A)(1)(a) to (A)(1)(f) of this rule. The continuing education required by this division shall be obtained on or before the thirty-first day of December in each year, beginning in the year immediately following the year in which the mayor complied with division (A) or (B) of this rule. A mayor who satisfies the education requirements of this division may exercise jurisdiction pursuant to section 1905.01 of the Revised Code over prosecutions involving alcohol- or drug-related traffic offenses through the thirty-first day of December of the year immediately following the year in which the education was completed.

(D) The education requirements of this rule shall not apply to a mayor or mayor's court magistrate appointed pursuant to section 1905.05 of the Revised Code who, during the term of his or her appointment, is either of the following:

(1) A retired judge who is eligible for assignment by the Chief Justice of the Supreme Court of Ohio to active duty in the general division of the court of common pleas, a municipal court, or a county court;

(2) A court magistrate who serves on a fulltime or part time basis in the general division of the court of common pleas, a municipal court, or a county court pursuant to the Rules of Criminal or Civil Procedure or the Ohio Traffic Rules.

[Effective: February 18, 1991; amended effective March 1, 2000.]

RULE 4. Initial and Continuing Education Requirements for Mayors; Offenses other than Alcohol- and Drug-Related Traffic Offenses.

(A)(1) Prior to July 1, 1992, a mayor of a municipal corporation who is authorized to conduct a mayor's court and who, from July 1, 1992 to December 31, 1993, wishes to exercise the jurisdiction granted by section 1905.01 of the Revised Code over prosecutions, other than prosecutions of alcohol- or drug-related traffic offenses, shall obtain a minimum of six hours of classroom instruction related to all of the following:

(a) The structure of the Ohio judicial system, the statutory and implied powers of mayor's courts, and the sources of law in Ohio, including the Ohio Constitution, Ohio Revised Code, municipal charters and ordinances, the Rules of Criminal Procedure, the Rules of Evidence, the Ohio Traffic Rules, the Mayor's Court Education and Procedure Rules, and the Code of Judicial Conduct;

(b) The general principles of law applicable to the hearing and determination of prosecutions,

other than prosecutions of alcohol- or drug-related traffic offenses, including, but not limited to the elements and burden of proof required to establish the existence of an offense, appointment and waiver of counsel, and arrest, due process, and other constitutional issues;

(c) The procedural requirements applicable to the hearing and determination of prosecutions, other than prosecutions of alcohol- or drug-related traffic offenses, including, but not limited to, all of the following:

(i) Use of the Ohio Uniform Traffic Ticket, as prescribed in the Ohio Traffic Rules, as the complaint and summons for traffic offenses;

(ii) Requirements relative to the initial appearance of the defendant, including the requirement that defendant be informed of his constitutional and statutory rights, and the requirements relative to acceptance of guilty and no contest pleas;

(iii) Consideration and disposition of pretrial motions, including motions to suppress evidence;

(iv) Applicable discovery rules;

(v) The requirements relative to the transfer of cases pursuant to section 1905.032 of the Revised Code;

(vi) The procedure for appeals from mayor's courts to municipal or county courts pursuant to sections 1905.22 to 1905.25 of the Revised Code.

(d) Defenses that may be raised by defendants charged with an offense, other than an alcohol- or drug-related traffic offense;

(e) Evidentiary issues presented in the hearing and determination of prosecutions, other than prosecutions of alcohol- or drug-related traffic offenses, including, but not limited to, hearsay, relevancy, the competency of the arresting officer and other witnesses to testify, the admissibility of evidence relating to speed measured by radar or other electrical or mechanical timing devices, and the documentation of violations of state law or municipal ordinance relative to driving under suspension;

(f) Considerations relative to the sentencing of persons convicted of offenses, other than alcohol- or drug-related traffic offenses, including, but not limited to, the sanctions required and allowed to be imposed under state law or municipal ordinance, appropriate and available alternative sanctions, the defendant's right to be heard in mitigation, presentence investigations, probation, the disposition of fines and costs imposed under state law or local ordinance, and the procedures required to ensure the proper reporting of violations to the Ohio Bureau of Motor Vehicles;

(g) Record keeping and reporting requirements applicable to mayor's courts including, but not limited to, maintenance of a docket, establishment of fine and bail schedules, and the reporting of violations to the Ohio Bureau of Motor Vehicles;

(h) Ethical considerations relative to the hearing and determination of prosecutions, other than prosecutions of alcohol- or drug-related traffic offenses, including, but not limited to, the requirement that a mayor who conducts mayor's court serve as a neutral and detached magistrate, situations in which the mayor must disqualify himself from a proceeding or should disqualify

himself from a proceeding to avoid the appearance of impropriety, and the requirement that a mayor not engage in ex parte communications with persons appearing before him.

(2) A mayor who satisfies the education requirements of division (A)(1) of this rule may exercise jurisdiction pursuant to section 1905.01 of the Revised Code over prosecutions, other than prosecutions of alcohol- or drug-related traffic offenses, through December 31, 1993.

(B)(1) A newly elected or newly appointed mayor of a municipal corporation who is authorized to conduct a mayor's court and who wishes to exercise the jurisdiction granted by section 1905.01 of the Revised Code over prosecutions, other than prosecutions of alcohol- or drug-related traffic offenses, shall obtain, within sixty days of first assuming office, a minimum of six hours of classroom instruction related to all of the subjects listed in divisions (A)(1)(a) to (A)(1)(h) of this rule. A mayor who satisfies the education requirements of division (B)(1) of this rule may exercise jurisdiction pursuant to section 1905.01 of the Revised Code over prosecutions, other than prosecutions of alcohol- or drug-related traffic offenses, through the thirty-first day of December of the year immediately following the year in which the education was completed.

(2) A mayor of a municipal corporation who, after assuming office in a municipal corporation that does not operate or that has suspended operation of a mayor's court, subsequently is required or subsequently chooses to conduct a mayor's court and who wishes to exercise the jurisdiction granted by section 1905.01 of the Revised Code over prosecutions, other than prosecutions of alcohol or drug related traffic offenses, shall obtain, prior to first exercising that jurisdiction, a minimum of six hours of classroom instruction related to all of the subjects listed in divisions (A)(1)(a) to (A)(1)(h) of this rule. A mayor who satisfies the education requirements of division (B)(2) of this rule may exercise jurisdiction pursuant to section 1905.01 of the Revised Code over prosecutions, other than prosecutions of alcohol- or drug-related traffic offenses, through the thirty-first day of December of the year immediately following the year in which the education was completed.

(C) After complying with the initial education requirements of division (A) or (B) of this rule, a mayor who wishes to continue to exercise the jurisdiction granted by section 1905.01 of the Revised Code over prosecutions, other than prosecutions of alcohol- or drug-related traffic offenses, shall obtain a minimum of three hours of continuing education annually on one or more of the subjects listed in divisions (A)(1)(a) to (A)(1)(h) of this rule. The continuing education required by this division shall be obtained on or before the thirty-first day of December in each year, beginning in the year immediately following the year in which the mayor complies with division (A) or (B) of this rule. A mayor who satisfies the education requirements of this division may exercise jurisdiction pursuant to section 1905.01 of the Revised Code over prosecutions, other than prosecutions of alcohol- or drug-related traffic offenses, through the thirty-first day of December of the year immediately following the year in which the education was completed.

(D) The education requirements of this rule shall not apply to a mayor or mayor's court magistrate appointed pursuant to section 1905.05 of the Revised Code who, during the term of his or her appointment, is either of the following:

(1) A retired judge who is eligible for assignment by the Chief Justice of the Supreme Court of Ohio to active duty in the general division of the court of common pleas, a municipal court, or a county court;

(2) A court magistrate who serves on a full-time or part-time basis in the general division of the court of common pleas, a municipal court, or a county court pursuant to the Rules of Criminal or Civil Procedure or the Ohio Traffic Rules.

[Effective: February 18, 1991; amended effective August 1, 1991; March 1, 2000.]

RULE 5. Certification of Course Attendance; Content of the Certificate.

A mayor who successfully completes an accredited education program required by these rules shall receive, from the sponsor of the course, a certificate attesting to the mayor's satisfactory completion of the course. The certificate shall include all of the following:

(A) The name of the mayor to whom the certificate is issued and the name of the municipal corporation of which he serves as mayor;

(B) The title and sponsor of the course;

(C) The date on which the course was held;

(D) The number of hours of classroom instruction received at the course and whether those hours of instruction satisfy the initial education requirements of May. R. 3(A) or (B) or the continuing education requirements of May. R. 3(C);

(E) The date on which the certificate expires, which shall be the thirty-first day of December of the year immediately following the year in which the education program was completed.

[Effective: February 18, 1991; amended effective August 1, 1991.]

RULE 6. Accreditation of Education Courses.

(A) Courses offered and completed to satisfy the education requirements of these rules shall be accredited, prior to being offered, by the Commission on Continuing Legal Education established by Rule X of the Rules for the Government of the Bar of Ohio. Each course offered and completed for the purposes of May. R. 3 or 4 shall consist of a single-day session that includes the minimum number of hours of actual instruction required by the applicable Mayor's Court Education and Procedure Rule and that is devoted to the topics required by the applicable Mayor's Court Education and Procedure Rule. Courses offered and completed for the purposes of May. R. 3(C) or 4(C) may be offered and completed jointly in a single-day, six hour session.

(B) In evaluating education programs required by these rules, the Commission shall consider the purposes of these rules, the required content of courses completed to satisfy the education requirements of these rules, the standards for accreditation set forth in Gov. Bar R. X, Section 4(B)(1) and (B)(3) to (5), and the applicable regulations adopted pursuant to Gov. Bar R. X. Time guidelines for accreditation of courses completed to satisfy the education required by this rule shall be identical to those applicable to courses submitted for accreditation pursuant to Gov. Bar R. X, except that a course offered prior to July 1, 1991 may be submitted for accreditation thirty days prior to the date on which the course will be offered. Each course submitted for accreditation pursuant to this rule clearly shall be denoted as a mayor's court education course.

[Effective: February 18, 1991; amended effective August 1, 1991.]

RULE 7. Attendance by Mayor's Court Personnel.

Mayors should require mayor's court personnel, including clerks of mayor's courts, and should encourage other persons involved in the operation of the mayor's court, to attend the education courses required of mayors pursuant to these rules.

[Effective: February 18, 1991.]

RULES 8 to 10 are reserved.

RULE 11. Mayor's Court Facility Standards; Courtroom Conduct.

(A) In order to maintain an appropriate and dignified atmosphere and to serve the public properly, the mayor's court should be located in a municipal building or other facility that is readily accessible to the public. The facility shall be clean, properly maintained, well-lighted, and adequately heated and ventilated. The facility should have adequate seating capacity so that litigants and other members of the public are not required to stand in hallways and areas adjacent to the room in which mayor's court is conducted.

(B)(1) The room in which mayor's court is conducted should have an elevated bench or a separate table from which the mayor presides that is flanked by the United States and Ohio flags. Adequate shelving or other storage facility should be provided near the bench or table for necessary legal reference materials, including the Revised Code, the rules governing the courts of Ohio, and the ordinances of the municipal corporation.

(2) All participants must be able to hear and be heard. If the room acoustics are unsatisfactory, an efficient public address system shall be provided. An audio system to record mayor's court proceedings should be provided and tapes of proceedings should be maintained in accordance with established records retention schedules. A blackboard or other demonstrative aid should be available. Unnecessary material or equipment should not be stored in the room in which mayor's court is conducted.

(3) Desks, tables, and chairs should be provided for all mayors' court personnel regularly present during a mayor's court session. Tables and chairs for all parties and counsel and a lectern should be provided. Tables shall be situated to allow all participants to hear. If the tables are not situated to allow private exchanges between a party and counsel, a separate consultation room should be provided.

(4) Fines should be collected by court personnel in a room separate from the room in which mayor's court is conducted. If it is not possible to collect fines in a separate room, a separate area of the room in which mayor's court is conducted, away from the bench or table from which the mayor presides, should be designated as the area in which fines are collected.

(5) Security necessary for the protection of the mayor, mayor's court personnel, and the public should be provided.

(C)(1) In conducting mayor's court, the mayor shall wear clothing appropriate to demonstrate the dignity of the office and of the proceeding. Mayor's court personnel shall wear clothing appropriate to demonstrate the dignity of the proceeding.

(2) All persons appearing before a mayor's court should wear respectful clothing. Litigants and other members of the public shall refrain from talking during the proceeding, except when addressing the mayor, testifying, or conferring with counsel. All persons participating in the proceeding shall refrain from using foul or abusive language. Smoking, eating, and other activities that detract from the proceeding shall be prohibited in the room in which mayor's court is conducted.

(D) The mayor and mayor's court personnel should act in an appropriate and dignified manner when addressing parties, counsel, witnesses, and members of the public appearing in the mayor's court. First names and nicknames should not be used. Mayor's court personnel shall treat all persons appearing before the mayor's court in a fair and impartial manner. Mayor's court personnel shall refrain from offering legal advice or suggesting to a defendant or counsel the manner in which a particular case may be decided.

[Effective: August 1, 1991.]

RULE 12. Mayor's Court Operation.

(A)(1) It is the duty of the mayor to ensure that each defendant understands the nature of the proceeding and the charges against the defendant. Each defendant shall be provided with a written list of rights, as outlined in Rule 10 of the Ohio Rules of Criminal Procedure and Rule 8 of the Ohio Traffic Rules, or shall have those rights read to him, or both. The mayor shall inquire of each defendant whether the defendant understands these rights and may ask the defendant to sign a form declaring that the defendant has read and understands these rights.

(2) Interpreters shall be provided for persons who do not speak or understand the English language.

(3) If a defendant is charged with an offense that carries the potential for incarceration and is unable to afford to retain counsel, the mayor is responsible for appointing counsel unless the case is transferred to the court of common pleas or municipal or county court pursuant to section 1905.032 of the Revised Code.

(B) The mayor shall give each defendant the opportunity to address the court prior to making a finding of guilt or innocence and shall give each defendant the opportunity to address the court prior to imposing sentence. The mayor shall not take into consideration any prior convictions of the defendant before making a determination of guilt or innocence.

(C) The mayor shall determine whether a defendant is able to pay any fine imposed. This finding shall be signed by the mayor and journalized on the record.

(D) The mayor shall make a judgment or journal entry with regard to each case of which the mayor disposes. The entry shall indicate a finding of guilt, innocence, or dismissal without a finding, the disposition of the case, and other required information. The entry shall be signed by the mayor and journalized on the record.

[Effective: August 1, 1991.]

RULE 13. Mayor's Court Personnel; Absence of the Mayor.

(A) The mayor is responsible for the fair, dignified, and orderly operation of the mayor's court. The mayor may delegate authority for conducting certain non-adjudicatory functions to the appropriate personnel and should administer an oath of office to all mayors' court personnel.

(B) A mayor's court should have a clerk who, in addition to those duties delegated by the mayor, should be responsible for processing and maintaining all documents filed with the mayor's court, maintaining the docket of the court, administering the traffic violations bureau, collecting and distributing to the proper sources all fines and costs imposed by the court, and submitting abstracts of the court record and other information required by the Ohio Bureau of Motor Vehicles.

(C) A mayor's court should have a court officer or bailiff who, in addition to those duties delegated by the mayor, should be responsible for serving warrants and capiases, transporting defendants to and from jail facilities, and assisting the mayor during mayor's court.

(D) Each mayor who conducts a mayor's court shall prepare and maintain written procedures regarding the conduct of mayor's court. The procedures shall identify the individual who, pursuant to the Revised Code, municipal charter, or municipal ordinance, presides over mayor's court in the absence of the mayor and any other information considered necessary by the mayor. [Effective: August 1, 1991.]

RULE 14. Forms.

The forms contained in the Appendix of Forms are illustrative and not mandatory. The forms are available online at: www.supremecourt.ohio.gov/LegalResources/Rules/mayor/mayors.pdf. [Effective: August 1, 1991.]

RULE 15. Mayor's Court Registration and Reporting Requirements.

(A) Each mayor of a municipal corporation that operates a mayor's court shall submit to the Court Statistical Reporting Section of the Supreme Court the following reports on a form prescribed by the Section:

(1) A Mayor's Court Registration on or before the fifteenth day of January of each year or not less than fifteen days prior to conducting mayor's court, whichever is later.

(2) A Mayor's Court Report no later than the fifteenth day of January, April, July and October of each year reflecting the work of the mayor's court for the calendar quarter immediately preceding the filing date.

(B) A mayor shall prepare and submit a report to the Bureau of Criminal Identification and Investigation of every conviction that is a misdemeanor on a first offense and a felony on any subsequent offense upon entry of the judgment of conviction.

RULES 16 to 19 are reserved.

RULE 20. Effective Date.

(A) The Mayor's Court Education and Procedure Rules adopted by the Supreme Court of Ohio on February 5, 1991, shall be effective on February 18, 1991.

(B) The amendments to Rules 1, 4, 5, and 6 of the Mayor's Court Education and Procedure Rules, new Rules 11, 12, 13, and 14, and the Appendix of Suggested Forms, adopted by the Supreme Court of Ohio on June 26, 1991, shall be effective on August 1, 1991.

(C) The amendments to Rules 3(D) and 4(D) of the Mayor's Court Education and Procedure Rules adopted by the Supreme Court of Ohio on January 25, 2000, shall be effective on March 1, 2000.

(D) The amendments to May. R. 15 adopted by the Supreme Court of Ohio on June 24, 2003, shall be effective on January 1, 2004.

APPENDIX OF SUGGESTED FORMS

The following forms are for purposes of illustration only. The forms are limited in number and are not intended to constitute a complete manual of forms for use in mayor's courts. Departure from the suggested forms is permitted and shall not void papers that otherwise are sufficient. Forms may be varied when necessary under the facts of a particular case.



FORM A
STATEMENT OF RIGHTS
WAIVER OF RIGHTS
PLEA OF GUILTY OR NO CONTEST

Defendant's Name: _____

In the _____ Mayor's Court, _____, Ohio

Case No. _____ Charge(s) _____

I am present in Court today and have been told:

- (1) The law requires this Court to bring me to trial within thirty days of the date I was charged.
- (2) I have a right to have a lawyer here at any time, and I may have my case continued to get a lawyer.
- (3) If the charge I am facing carries a possible jail sentence, the Court will appoint a lawyer at no cost to me if I cannot afford to hire one.
- (4) If the charge I am facing carries a possible jail sentence, I have the right to a jury trial.
- (5) I have a right to remain silent. Anything I say can be used against me.
- (6) The maximum penalty I can receive if I am convicted. If this is a traffic case, I also may lose the right to drive for some time and have points added to my driving record.
- (7) If I am not a United States citizen, that a conviction could result in my deportation or denial of citizenship according to the laws of the United States.
- (8) I have the right to remain free on a reasonable bail while my case is awaiting trial.

I HAVE READ THIS STATEMENT AND I UNDERSTAND IT. I WAS GIVEN THE CHANCE TO ASK QUESTIONS AND THEY WERE ANSWERED.

I have decided on my own to waive my rights and proceed today. I do not want a continuance to talk to a lawyer.

I plead: **Guilty** **No Contest**

Signed: _____

Date _____

Witnessed by: _____

Date _____



FORM B

JUDGMENT ENTRY

Defendant's Name: _____

In the _____ Mayor's Court, _____ Ohio

Case No. _____ Charge(s) _____

The Defendant was advised of charges against him/her and possible maximum penalty. After fully explaining his/her rights and the consequences of the pleas and after determining that the defendant knowingly, voluntarily, and intelligently waived his/her rights, the Court accepts the plea.

Plea: _____ Finding: _____

Trial held. Finding of: _____

Other: _____

Minor Misdemeanor \$ _____ Fine and Court Costs \$ _____

Ability to pay: _____ Due: _____

\$ _____ of fine will be suspended.

First to fourth degree misdemeanor: Your sentence is as follows: _____ days in jail. \$ _____ fine and Court Costs of \$ _____. _____ days will be suspended and \$ _____ fine will be suspended.

Ability of pay: _____ Due: _____

Probation of _____ months or _____ years.

(When applicable): Drivers license suspension for _____ months. Proof of FRA: _____

Fine Due: _____ Enforcement of Days: _____

In addition to abiding to all rules and regulations of probation, special conditions are as follows:
(check if ordered)

- Alcohol counseling or treatment as determined by probation
- Pay all fines and costs.
- _____ hours of community service.
- Restitution
- No same or similar violations.
- Other _____

Mayor _____ Date _____

Court Number (issued by Bureau of Motor Vehicles) _____



FORM C

DEMAND FOR TRIAL

Defendant's Name: _____

In the _____ Mayor's Court, _____, Ohio

Case No. _____ Charge(s) _____

The Defendant demands a trial and states the following:

- I have been informed of the offense(s) with which I am charged and given a copy of the complaint.
- I plead NOT GUILTY.
- I give up my right to a trial by jury.
- Check one of the following:
- I want my case tried within the time provided by law. (Thirty days from date of arrest or service of summons. Each day I am held in jail is counted as three days from the date of arrest).
- I am giving up my right to be tried within the time set by law, and I request that the Court notify me when my case will be set for trial.

Date of arrest or service of summons: _____

Days in jail before release on bail: _____

Arraignment date: _____

Trial date : _____

New counsel: Yes No

Defendant's Signature

Attorney's Signature

Defendant's Name

Attorney's Name

Defendant's Address

Attorney's Registration Number

Defendant's Telephone Number

Attorney's Telephone Number



FORM D

MOTION AND ENTRY FOR CONTINUANCE

Defendant's Name: _____

In the _____ Mayor's Court, _____, Ohio

Case No. _____ Charge(s) _____

The _____ moves for a continuance of the _____

(arraignment/trial)

scheduled for _____

for the following reason: _____

Therefore, the case is continued to _____ at _____ m.

Date case filed: _____

Date last in court: _____

Time waived nor not waived: _____

Prior number of continuances granted: _____

Mayor: _____

Date: _____

APPROVED:

Date: _____

Counsel for _____

Date: _____

Defendant/Counsel for defendant

Note: A copy of this Entry must be filed with the Clerk's office and served on opposing counsel or party.



FORM E
HEARING TO REVIEW PAYMENT
OF FINES AND COST

Defendant's Name: _____

In the _____ Mayor's Court, _____, Ohio

Case No. _____ Charge(s) _____

The Defendant appeared in court on _____, 20____. The status of the payment of defendant's obligation was reviewed by the Court and the following information was provided by the Defendant:

Based on the foregoing information, the Court finds:

- The Defendant does not have a present ability to pay.
The case will be reviewed again.

- The Defendant is employed and has agreed to make payments as follows:

- The Defendant willfully has failed to abide by the order of the Court while having an ability to do so. Sentence previously given or amended is to be enforced as follows:

Mayor _____ Date _____



FORM F

JUDGMENT ENTRY OF TRANSFER

Defendant's Name: _____

In the _____ Mayor's Court, _____, Ohio

Case No. _____ Charge(s) _____

Upon motion of _____ and for good cause shown, this case is hereby

transferred to the _____ Court for the reason stated below:

- The court lacks jurisdiction to proceed pursuant to section 1905.01 of the Revised Code.
- Defendant has demanded a trial by jury.
- A conflict exists that prevents the Mayor from impartially deciding the case.
- Defendant has filed a written notice of appeal pursuant to section 1905.23 of the Revised Code.
- The case is transferred pursuant to section 1905.032 of the Revised Code.

The Clerk is hereby ordered to certify all original documents filed in this case and, together with a transcript of all proceedings, accrued costs, and bond posted by the Defendant, transfer this case to the _____ Court for further proceedings in accordance with law.

All further proceedings in this Court are stayed.

Mayor _____ Date _____

Court Number (issued by Bureau of Motor Vehicles): _____

