

QUESTIONS AND ANSWERS ABOUT THE OAKWOOD MUNICIPAL COURT

The Oakwood Municipal Court is established under Chapter 1901 of the Ohio Revised Code. Here are some questions and answers that provide important information about the court.

What is a municipal court?

A municipal court is part of Ohio's state court system. Courts of common pleas operate at the county level and have divisions for criminal, civil, probate, domestic relations and juvenile cases. Municipal courts operate at a more local level and are designed to handle comparatively smaller cases. These include misdemeanor criminal offenses, traffic offenses, violations of municipal ordinances, and civil cases where the amount of money involved is \$15,000 or less. This allows cases of a more local nature to be handled locally, and also eases the burden on the county court system.

Why does Oakwood have a municipal court?

Oakwood was incorporated as a municipal village in 1908. For the first 25 years of its existence, local civil matters were handled by a Justice of the Peace; local criminal cases were handled by a Police Justice (constable). In 1933, the Ohio General Assembly passed legislation to replace the Justice of the Peace and Police Justice system with the Oakwood Municipal Court. Like any other municipal court in Ohio, Oakwood's court was specifically established by the state legislature to handle appropriate civil and criminal matters arising within the city limits. Without the Oakwood Municipal Court, local traffic, parking, property maintenance, zoning and other municipal ordinance violations, as well as minor criminal and civil cases, would be forced into the county system or another municipal court.

Who is in charge of our municipal court?

Remembering back to high school civics classes, government generally falls into three branches: executive, legislative and judicial. The Oakwood Municipal Court is our judicial branch. The Oakwood Municipal Court Judge is responsible for the court's operation, subject to oversight and supervision by the Ohio Supreme Court. The judge determines the court's budget, the number of employees needed to operate the court, and appoints all court staff. The City Manager and City Council represent the executive and legislative branches and have no control over the court.

How much does it cost to run our municipal court?

The Oakwood Municipal Court has an annual budget of about \$220,000. A substantial portion of that figure represents personnel costs; we have one judge, a full-time Clerk of Courts, a part-time Assistant Clerk, and a part-time Bailiff. There are no facility-related overhead costs because the court is located in the Oakwood municipal building. Of the \$220,000 budget, about \$140,000 is currently recouped through fines, filing fees, court costs and forfeitures. The remainder is paid from the City's general fund as required by law. The existence of a subsidy is very common because courts do not function as a revenue-generation enterprise. Comparatively, Oakwood's court subsidy is low.

What is the judge's salary?

The judge's annual salary is \$67,000 and is set by the Ohio Revised Code. It is a part-time position, as it is in 19 other Ohio municipal courts and in all county courts, other than Common Pleas. The salary is paid by the Ohio Supreme Court, Montgomery County and Oakwood according to a state-mandated formula. Under that formula, the Supreme Court pays 45%, Montgomery County 22% and Oakwood 33%. The salary is set at a level to attract experienced, licensed attorneys to the position. The job can take 40% of the work week, and sometimes more. Also, the judge must be available around the clock, and on weekends, to handle arraignments and other matters in which a person is legally entitled to a hearing on short notice.

Can Oakwood get rid of its municipal court?

Since the court is established by state law, it can only be altered by state law. It cannot be closed by the City Manager, City Council or a citizen vote.

Could the city benefit from closing the court and using another area court?

Again, the Oakwood City Council does not have jurisdiction over the court. It would take an act of the state legislature to change the court. That said, city leaders have considered whether a change might benefit the community. They conclude that there are no operational or financial benefits in doing so. In fact, eliminating the court would increase costs.

What are the eligibility requirements to run for Oakwood municipal court judge?

State law requires all candidates to be licensed attorneys, and they must be Oakwood residents who are qualified to vote. In addition, they must have been engaged in the practice of law for at least 6 years prior to the term of office for which they are running and must be under seventy years of age as of the first day of the elected term.

What is the judge's term of office?

The judge is elected on a nonpartisan ballot for a 6 year term.