

GENERAL DUTIES OF A CLERK OF COURT

The Clerk of the Municipal Court, whether elected or appointed, is charged with numerous responsibilities, duties and powers as set out in ORC §1901.31. There are some expectations, but as a general rule clerks are elected if the population of the territory exceeds one hundred thousand. The term of office is six years and the compensation is set by ORC §1901.31 (c). Again there are some exceptions, but as a general rule clerks are appointed if the territories have a population of less than one hundred thousand. The clerk is appointed by the judge, and shall receive the annual compensation that the legislative authority prescribes.

The duties and powers of the County Court Clerk are set out in §1907.101. The most significant difference between the Municipal and the County Court territory includes any area of the county not include in the jurisdiction for a civil case is \$3,000.00 as opposed to the \$10,000.00 limit of the Municipal Court. Criminal, traffic, and small claims have the same jurisdiction in both Municipal and County Courts. The County Court Clerk is appointed by the Board of County Commissioners with the concurrences of the County Court Judge, or Judges, and shall receive the annual compensation that the Board of County Commissioners prescribes, ORC §1907.101 (a).

PROCESSING AND RETENTION CENTER FOR ALL COURT DOCUMENTS **(§1901.31E)**

The Clerk is the major processing center through which virtually all court and case documents flow. The Clerk issues, records, and files these documents in accordance with the Ohio Revised Code statutes, and local rules of the court. It is essential to the efficient and effective operation of the court system that these documents always be processed accurately, and on a timely basis.

ACCOUNTING (§1901.31F)

The Clerk is responsible for receiving, and accounting for all costs, fees, fines, bonds, payments, and other moneys payable to the court. This duty requires adoption of, and adherence to, strict accounting procedures as prescribed by the State Auditor's Office.

ADMINISTRATIVE FUNCTIONS (§1901.31H)

The Clerk is responsible for the appointment of the activities of all deputy clerks, establishments o the office procedures, and the supervision of the processing of all paperwork in the Clerk's office. The Clerk, or a deputy, shall be in attendance at all the sessions of the court, although not necessarily in the courtroom.

RECORDS (§1901.31E)

The following are some of the records used by the Clerk in carrying out clerical functions. Some are required by state statute, others may be required by local rules of court.

- Court Seal
- File Stamp
- Case File Folder
- Indexes (Civil and Criminal)
- Dockets (Civil, criminal and Traffic)
- Accounting Records (Civil and Criminal)
- Monthly Reporting Forms (Local and Supreme Court)
- Daily Agenda and Disposition Sheets
- Court Journal

COURT SEAL

The Court Seal is used on all legal documents issued by the Clerk, Deputy Clerk, or Judge of the Court. §1901.35 reads in part as follows: ...Which seal shall consist of the coat of arms of the state within a circle one and one fourth inches in diameter, and shall be surrounded by the name of the municipal court.

FILE STAMP

The file stamp is used to verify the time of day, day, month and year when document is filed with the court.

CASE FILE FOLDER

The case file folder contains all documents filed in a case. The folder should contain the case number, type of action, and the names of the Plaintiffs and Defendants. Where applicable, it should also contain the name of the court, and the Judge assigned to the case.

INDEXES

The index is a alphabetical listing of all cases filed with the Court, and entered in the Court Dockets. The civil index should be cross-indexed the names of the Plaintiffs and Defendants.

DOCKETS

The docket is a public record of all activity pertaining to a case. The Clerk shall enter, at the time of commencement of an action, the names of the parties in full, the names of the counsel, if any, and the nature of the proceedings. A subsequent list of all court proceedings and accounting processes shall be entered. Superintendence rule 12 (E), which refers to the numbering system, makes it necessary to maintain a separate docket for traffic, criminal and civil.

RECEIPT BOOKS

The receipt books must be prenumbered and be in duplicate. Separate receipt records should be maintained for each division. (Revision 2004 – Receipts are computer generated by number).

ACCOUNTING RECORDS

The Clerk is required to maintain a Cash Receipts Journal, a Cash Disbursements Journal and an Open Item Record for both Civil and Criminal Divisions. Additionally, in some instances a Cash Bond Account may be maintained.

MONTHLY SUPREME COURT REPORTS Supreme Court Rules 35/37

These records are maintained to meet Supreme Court mandates.

Although the reports are the duty of the Administrative Judge, it is necessary for the Clerk to maintain an accurate record of new cases filed, cases disposed of, and cases in process. The reports also serve the Clerk in making management decisions. There are monthly reports, and quarterly reports that must be submitted by the 10th of each month.

DAILY AGENDA AND DISPOSITION RECORD

The daily agenda and disposition is a listing of all actions scheduled for a court appearance on a certain day. It also acts as a control sheet for cases out of the Clerk's office, and allows for the case dispositions to be recorded upon their return. This record should contain the case number, date, case name, purpose of court appearance, type of action, and the Judge assigned, where applicable. (Some courts maintain; others do not).

COURT JOURNAL

Civ. R. 58 reads in part as follows:...A judgement is effective only when filed with the clerk for journalization. If not filed (time-stamped), the document is not an official part of the record.

FEES AND DEPOSITS

The Clerk has a statutory duty impose and collect fees for services rendered discharging the duties of the office. §1907.282, for County §1901.26, for Municipal, sets fourth the procedure whereby a court may establish a schedule of fees and costs to be taxed in either civil or criminal cases. §311.17 sets fourth Sheriff Fees, §1901.25 sets fourth Jury Fees, and §1901.26 (D) sets fourth Witness Fees.

POWERS AND DUTIES

A clerk of the municipal court has the discretionary power to:

1. Administer oaths; take affidavits and issue executions upon judgements rendered in the municipal courts.
2. Issue and sign all writs, process, subpoenas and other papers issuing out of the court.
3. Approve all bonds, sureties, recognizes and undertakings filed by any judge of the court, and
4. Receive verdicts.

Any of the above powers, or any other necessary power or duty, may be made mandatory by rule or order of the court.

SPECIAL DEPUTY CLERKS

Special deputy clerks differ from other deputy clerks in that they are appointed to administer the branch offices of the various municipal courts. Such appointments are made by the courts. Each special deputy clerk:

1. Must take an oath of office;
2. May be required by the court to give bond of not less than Three Thousand Dollars (\$3,000.00);
3. Is compensated in an amount prescribed by the court; and
4. May perform any of the duties appertaining to the office of the clerk (as prescribed by the court).

Exceptions: In the Auglaize County, Portage County and Wayne County Municipal Courts, the Clerk of Courts acting as Clerks of the respective Municipal Courts, may appoint a chief deputy clerk for any branch office that is established. The compensation for these deputy clerks is prescribed by the legislative authority.

OTHER DEPUTY CLERKS

1. A municipal clerk may appoint deputy clerks as necessary to attend to the business of the office. Each such deputy clerk:
2. Must take an oath of the office;
3. If required by the clerk, must give bond of not less than (\$3,000.00);
4. Is compensated in an amount prescribed by the clerk; and
5. May perform any of the duties appertaining to the office of the clerk.

Except for the Cleveland Municipal Court (1001.32), the deputy clerks are not in the classified civil service. (Dugan vs. City of Akron et al, 9th District Court of Appeals #11003, 1983).