

## **RECOLLECTIONS OF MAYOR'S COURT**

From 1977 through 1988 I served as Treasurer, Council Member, Finance Chair and Vice Mayor. A search of old Village Views would produce only my continuing comments about expenses and taxes and the efforts to stop the relocation and expansion of US 50. MY most vivid memories, however, come from a role I performed only 3 times, viz., as judge in Mayor's Court.

My introduction to Mayor's Court was as a citizen, stemming from a ticket I received on Indian Hill Road. My Peugeot diesel could only reach unlawful speeds with the aid of a good stiff hill – and I admit to being in a hurry bringing our oldest daughter, Hannah, home from school so that I could go on to meet with Police Chief Pottorf to discuss police salaries for the year ahead. As you might expect, a new police officer who did not recognize me wrote the ticket while Hannah watched...and of course I had to suffer the situation in silence. I rationalized this as a driving lesson for Hannah and to complete the educational cycle I showed up at Mayor's Court to plead guilty in front of Mayor Chuck Rockel. (I think it worked...as Hannah is a cautious and slow driver.)

Perhaps a year or so later, I became the senior member of council and was asked to serve as Vice Mayor...a role which required serving as judge at Mayor's Court and handling weddings IF the Mayor were out of town. Mayor Les Overway assured me that he would NEVER, EVER be out of town on Mayor's Court dates...and that my fear of having to serve in a role for which I was entirely unqualified could be put aside. Les did, of course, have obligations from time to time which threw Mayor's Court my way...but never a marriage ceremony.

In the 80's the training/educational/experience qualifications for serving as magistrate seemed to be zero, and the array of offenses which could be handled at the local level was broad. DUIs, traffic citations, vehicle equipment and license plate violations and misdemeanors were the subject matter. Drugs and serious stuff "went downtown"...and most DUI cases involved defendants who had waived their rights to "go downtown"...mainly because they lacked the means to defend themselves in a jury trial.

Terrace Park Mayor's Court was a once a month event...with 30 – 50 defendants, folding tables at which the Mayor, Village Counsel and secretary sat...with most of our young police officers sitting at the side of the dimly lighted old hall. Perhaps 1 in 6 of defendants were residents – the remainder were people picked up on Wooster Pike and were preponderantly poor, often jobless and with little resource. Rarely did a defendant have an attorney. While DUIs averaged 10 -15 per month, one night I ended up with a docket of about 35 and, according to Chief Pottorf, gave me the record for the most DUI convictions in a single session of any Mayor's Court in Ohio. I never really believed him, but I do remember leaving the hall soaking wet from perspiration.

The process was straightforward: charges were read, the arresting officer added details...and the defendant most often would not contest the matter. (although residents were far more likely to raise a fuss than non-residents) Questioning by the magistrate would follow. A finding of guilt was generally the outcome.

Appropriate and constructive sentencing became the real challenge. Laying heavy fines on people without resources makes no sense and is cruel. I sentenced any number of defendants to attend regular AA sessions...I believe the most extreme one was 2 years of twice weekly sessions. Village "work detail" was a regular solution involving Saturday road debris pickup as was splitting firewood from the "Tree Program" for eventual sale to residents

Not infrequently the defendant would be a tradesman and thus we were able to get some much needed Community House electrical, painting or carpentry work performed. I remember a tradesman I sentenced to do such work who actually thanked me profusely. There is much to be said for justice which can acknowledge a person's talents and preserve dignity.

It is good sport to talk about speed traps and towns in which Mayor's Court was nothing but a revenue generation machine...but Terrace Park never deserved this characterization. Never in my experience in town affairs was there even a passing mention of encouraging our law enforcement officers in this direction, never a discussion of the subject in our budgetary processes. Income from fines was generally around 7% of village revenue...and reflected nothing more than the predictability of human behavior and the volume of traffic on US 50. In any event, little revenue can be derived from people who have nothing. The Terrace Park Mayor's Court process was about fairness and sending the right message, not about money.

Convictions far outweighed acquittals simply because of the makeup of the cases, but acquittals occurred at every session. Judges DID listen to the defendants' stories and considered the possibilities of confusion and ambiguity. A case I'll not forget involved a young man ticketed for a minor traffic violation around midnight and further charged with a concealed weapons violation...a 24inch machete under the driver's seat. The defendant was easily 6'5", bearded, robust...and would appear formidable to a young arresting officer. A bit of probing found him to be a gentle, polite, soft spoken man who did landscaping and tree work...the machete was simply a tool. Yes, he was in violation of the law as written.....and I felt badly that I could not return his machete, but he was able to leave court that evening without added fines or legal problems.

...and then there was the colorful letter from a resident likening my handling of her case with her experiences in Nazi Germany in the late 1930s. She and her husband liked dogs...REALLY BIG ONES...and had been warned repeatedly by our police to keep them restrained. Ultimately she was cited, appeared in court, and was entirely dismissive of the concept that big dogs chasing little kids on bicycles is tragedy waiting to happen. I found her guilty...and set a fine of perhaps \$100. I wished I had saved the letter...

After each Mayor's Court ended, a police officer escorted me to my car. Initially I viewed this as overkill...needlessly dramatic... Upon reflection, however, I realize that I should be more sensitive to the random and horrific risks faced by officers who pull aside violators at 2:30 am on Wooster Pike.

Mayor's Court in the 70s-80s reflected a community which was a very decent place to live. From my observation of four mayors who served as regular magistrates during the years I was a resident and involved in Village government, I'd give high marks for their thoughtful and sensitive handling of this arcane and frequently maligned institution of "Mayor's Court".

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March 28, 2010