

WHAT ARE APPEALS COURTS?

Appeals courts hear and decide all appeals from decisions of Ohio's trial courts except mayors' courts as explained above. Appeals courts also have original jurisdiction to hear certain special proceedings, which means such proceedings are filed directly in the appeals court rather than a trial court. Ohio is divided into 12 appellate districts, with each district having three or more judges. Each case before the court of appeals is heard by a panel of three judges. These courts generally do not hold trials or hear evidence. They decide matters of law based on the record of the trial court, the written arguments called briefs (which are prepared by the attorneys), and the oral arguments before the court. After hearing arguments about the trial court's decision, the appeals court may either affirm or reverse the trial court, or remand the case to the trial court for further proceedings. Appeals courts issue formal decisions called opinions, which are based upon whether or not prejudicial errors were made at the trial court level.

WHAT IS THE ROLE OF THE SUPREME COURT OF OHIO?

The Supreme Court of Ohio is the state court of last resort and is made up of seven elected justices, one of whom is the chief justice. The Supreme Court of Ohio has some discretion to decide which cases it will take on appeal and which ones it will not hear.

The Supreme Court of Ohio decides all state constitutional questions and those cases involving questions of public or general interest. It also hears appeals from the Board of Tax Appeals and the Public Utilities Commission of Ohio (PUCO). The Supreme Court of Ohio must hear all appeals involving criminal cases where a death penalty has been imposed. Under the Modern Courts Amendment to the Ohio Constitution, the Supreme Court of Ohio makes rules about the operation of the courts and the practice of law in Ohio. Procedural rules adopted by the Supreme Court for the operation of the courts are effective unless both houses of the Ohio General Assembly adopt resolutions indicating their disapproval.

The Supreme Court of Ohio also has authority over admission of attorneys to the practice of law as well as discipline of attorneys and judges who violate rules governing the practice of law.



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WHAT COURTS HAVE JURISDICTION IN OHIO?

All states, including Ohio, have a two-court system: state courts and United States (also known as federal) courts. This pamphlet contains a general outline of the two systems.

STATE COURTS

Ohio's state courts are divided into three levels: trial courts, appellate courts and the state supreme court.

Trial courts consist of municipal, county, and common pleas courts. Common pleas courts may include separate general, domestic relations, probate, and juvenile divisions, or combinations thereof. The appeals courts are intermediate-level appellate courts that hear appeals from the trial courts in both civil and criminal matters. The Supreme Court of Ohio is the state's highest appellate court.

There is also a statutorily created court known as the court of claims that hears civil cases filed against the state of Ohio and appeals of claims for compensation by crime victims.

All Ohio judges are elected for six-year terms of office. Vacancies created by death, resignation, or retirement prior to the expiration of the term are filled by appointment by the governor until an election can be held. Magistrates are appointed judicial officers who perform many of the same functions as judges. Magistrates do arraignments, hear motions and preside over matters in common pleas, domestic relations, juvenile and municipals courts. Magistrates have the same authority as a judge, except that they only conduct jury trials if the parties agree. A magistrate's decision must be adopted by the judge who assigned the case. However, a magistrate's order does not need to be adopted by the judge to be effective, unless a party moves to set the order aside and asks that the order be "stayed" (suspended or stopped).

WHAT DO MUNICIPAL AND COUNTY COURTS DO?

Municipal and county courts have limited jurisdiction and can only hear civil cases that fall within that court's territorial area, and only if the claim does not exceed \$15,000. (Note: Jurisdiction refers to the power and authority of a court to hear a case. Venue refers to the geographical area where a case is tried.) In criminal cases, these courts are limited to hearing

misdemeanor offenses, but they can hold preliminary hearings in felony cases if it is determined that probable and reasonable cause exists to hold the defendant. In such a situation, the case is then transferred to the common pleas court following the preliminary hearing. The municipal and county courts are created by state statute. Some municipal courts may have geographical jurisdiction only within their corporate limits; others have jurisdiction outside corporate limits, but not countywide; still others have county wide jurisdiction. If there is an area within a county where no municipal court has jurisdiction, then a county court is established.

All municipal and county courts also have what is known as a small claims court, presided over by a magistrate. These courts have limited monetary jurisdiction (claims must not exceed \$3,000) and are established to enable people to represent themselves when the amount in question is not large and the cost of litigation would be more than the value of the claim.

For information about the division of municipal and county courts known as small claims court, contact the Ohio Judicial Conference at 614-387-9750 or visit www.ohiojudges.org.

WHAT IS MAYOR'S COURT?

A municipal corporation with a population of more than 200 that does not have a municipal court may establish a mayor's court in which the mayor acts as judge. The mayor can hear traffic offenses and other violations of municipal ordinances with certain limitations. Quite often the mayor's court will have concurrent jurisdiction with a municipal or county court. In any case where a defendant pleads not guilty and either requests a jury trial or fails to waive a jury trial, the case must be transferred to the appropriate municipal court for adjudication. The mayor is not required to be a licensed attorney, but must complete special legal courses prescribed by the Supreme Court of Ohio. A mayor may appoint a magistrate to hear cases that come before the mayor's court, but the appointed magistrate must be a licensed attorney who has practiced law for at least three years. Appeals from mayor's court are taken to municipal or county court, where the case will be tried as if no original trial had taken place in the mayor's court.

WHAT ARE COMMON PLEAS COURT?

Every county has a common pleas court consisting of one or more judges. A common pleas court hears cases involving such matters as real estate, personal injury, breach of contract, marital conflicts, probating of estates, guardianship

of minors, and business relationships. This court has jurisdiction to hear all criminal felony cases. The common pleas court also has authority to hear appeals from decisions of municipal and county courts as well as state and local administrative agencies. The jurisdiction of municipal, county, and mayors' courts is regulated by statute, but the common pleas court has county wide jurisdiction. Because this jurisdiction is established by the Ohio Constitution, it cannot be changed without a constitutional amendment.

WHAT IS PROBATE COURT?

Each county has a probate court that is part of the common pleas court. The probate court is generally charged with overseeing the administration of estates upon the death of an individual who dies a resident of the state. Probate courts also issue marriage licenses and have jurisdiction over adoptions, name changes, competency hearings, and involuntary civil mental health commitments. Along with county and municipal court judges, a probate judge may perform marriages.

WHAT IS A DOMESTIC RELATIONS COURT?

The domestic relations court, which may be a separate division of the common pleas court, has jurisdiction overall proceedings involving termination of marriages, annulment, legal separation, spousal support, allocation of parental rights and responsibilities (including visitation), and authority over the care and support of children of divorced parents.

WHAT HAPPENS IN JUVENILE COURT?

The juvenile court is a common pleas court with jurisdiction to hear only cases involving juveniles (children under 18) alleged to be delinquent, unruly, abused, neglected or dependent. This court also determines issues of paternity, custody, and child support in cases involving children who have been born out of wedlock, or if no action for divorce, dissolution, annulment or legal separation has been filed in the common pleas court domestic relations division.

