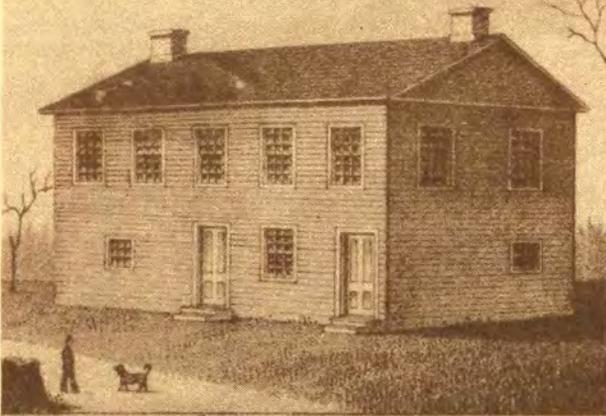
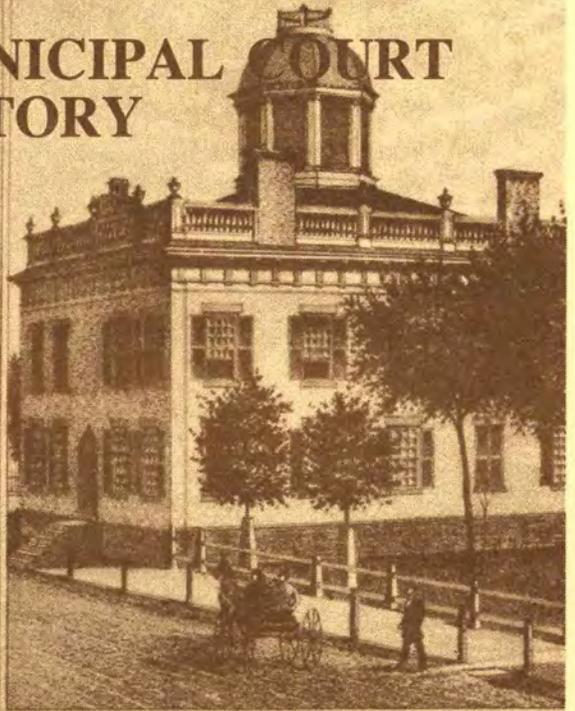


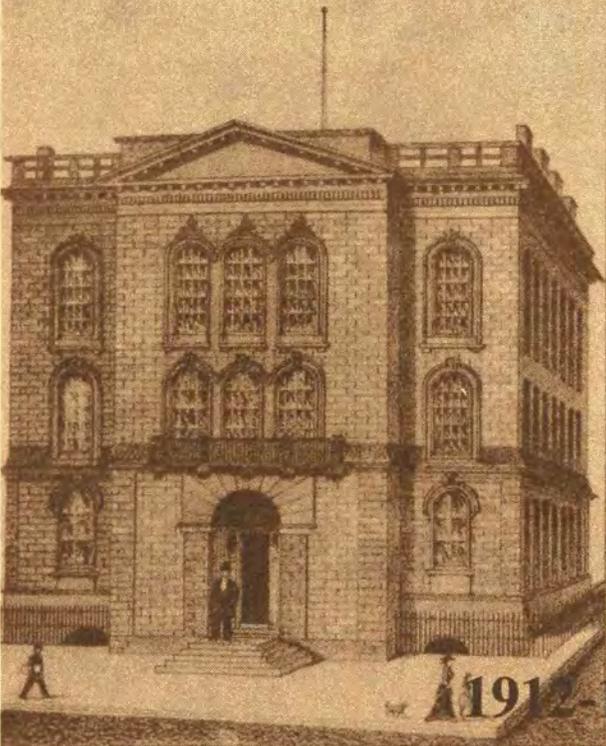
CLEVELAND MUNICIPAL COURT A HISTORY



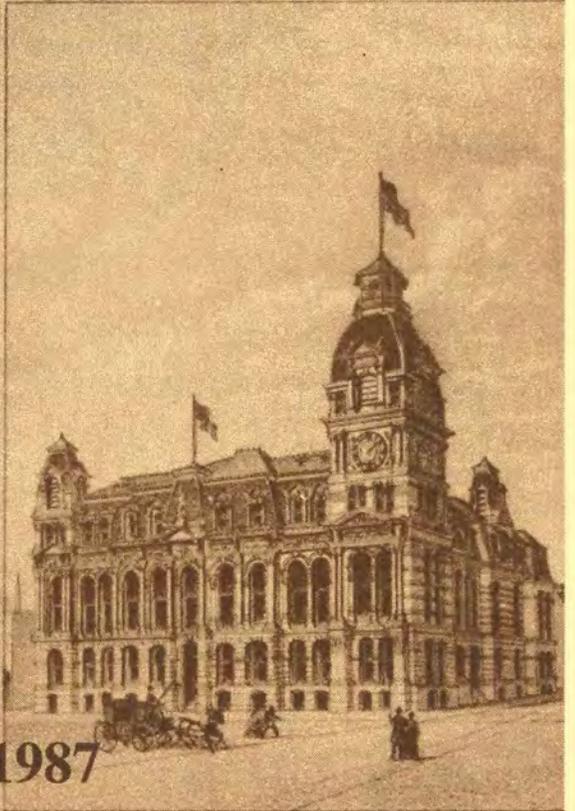
FIRST COURT HOUSE AND JAIL
ERECTED IN 1812 TORN DOWN 1830 DRAWN BY W. WATERMAN



SECOND COURT HOUSE
S.W. CORNER MONUMENTAL SQUARE, ERECTED 1828, REMOVED IN 1858



THIRD COURT HOUSE
BUILT 1858



FOURTH COURT HOUSE
FROM ORIGINAL DESIGN COMMENCED 1875 UNFINISHED

1912-1987

DIAMOND JUBILEE



75th ANNIVERSARY

THE CLEVELAND MUNICIPAL COURT

A HISTORY

by John J. O'Toole

This year the Cleveland Municipal Court celebrates its 75th Anniversary. The court was established by an act of the Ohio General Assembly in 1911 and opened its doors on January 2, 1912 in the old courthouse located on the northwest corner of Public Square. The court was gavelled to order by Chief Bailiff Charles Selzer and after brief opening remarks by Chief Justice William H. McGannon, Judges David B. Cull and George P. Baer assumed their duties in the criminal branch and the remainder of the court began the business of the day.



**FIRST HOME OF THE
CLEVELAND MUNICIPAL COURT.**

PHOTOGRAPH COURTESY OF THE
WESTERN RESERVE HISTORICAL SOCIETY

may properly be referred to as the first justice of the peace in the new community. The office of the justice of the peace is actually the predecessor to our modern municipal courts. It traces its history back to thirteenth century England where the justice of the peace was recognized as an integral part of the criminal system.

The American Colonies and later the Territories incorporated the justice of the peace into their system of government because every community required access to a court. But, lawyers were few and did not command the respect of the local populace; whereas the only requirement to become a justice of peace was to be a person of good character. Because they enjoyed the respect of their neighbors they became the peacemakers of the community. It was only natural that when Ohio was admitted to the Union in 1803 the office of the Justice of Peace would be incorporated into the new constitution. Consequently, the judicial system of the new state consisted of courts of common pleas and justices of the peace.

By way of reference, on May 1, 1810 the Ohio Legislature appointed Benjamin Ruggles as Presiding Judge; Nathan Perry, Augustus Gilbert, and Terry Dean, Associate Judges of the Court of Common Pleas. Although it was essential for the presiding judge to be learned in the law, his associates were simply respected men of prominence in the community. Some of the first cases consisted of selling a six-cent gill of whiskey without a license, trading a quart of whiskey for three raccoon skins, and selling whiskey to the Indians. By

But before we begin to reminisce, let us take a trip back into an earlier time and review the events and circumstances that shaped our present day system. Prior to statehood, Ohio was part of the Northwest Territories. At that time the areas known as the Firelands, Western Reserve and the Sandusky Islands were incorporated as Trumbull County with Warren being the county seat.

The Territorial Governor General Arthur St. Clair authorized the first form of civil government when he convened the Quarter Sessions Court of Trumbull County, so named because it met four times a year. On August 25, 1800 a five judge panel met near Ephraim Quimby's corn crib in Warren. At the first five day court session, seven men were appointed to divide Trumbull County into townships. A committee of the court chose a room in Quimby's log cabin as a temporary jail and made him the jailer. At that time Lorenzo Carter was "the law" in Cleveland. He and Stephen Gilbert were appointed as the first constables of the new village.

Prior to the creation of courts as we know them today, justices of the peace presided over marriages and attested to poll books. History indicates that James Kingsbury

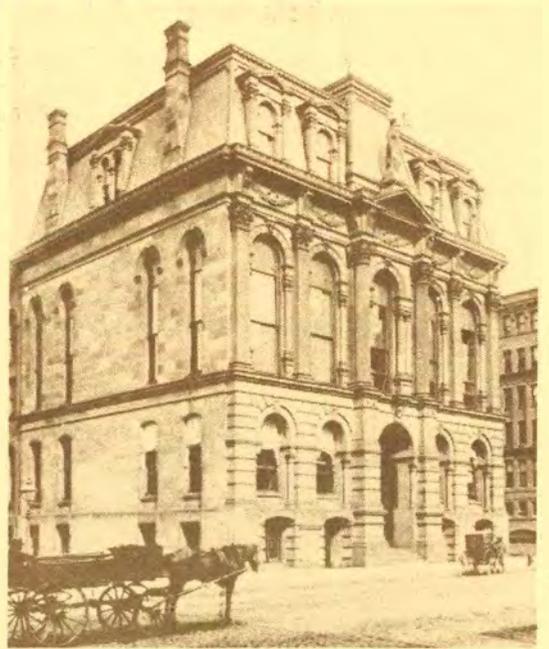
1813 the first courthouse was completed on Public Square. It was a two story log cabin which served as town hall and courthouse. The jail on the first floor was used to hold delinquent debtors. The courtroom on the second floor also served as a gathering place for social activities and meetings.

One of the most renowned justices of the peace in this area was elected in 1830. In the next fourteen years George Hoadley heard over 20,000 cases. On April 15, 1836 he administered the oath of office to the first Council of the City of Cleveland. A man of letters and renowned among his peers, he objected to performing marriages and normally assigned that duty to his associates.

Under the first city charter which became effective in 1836, the mayor enforced the ordinances of the city and a few criminal cases were generally heard by the justices of the peace. By 1851, Ohio had adopted a new constitution which enabled the legislature to provide for the organization of police courts in cities having a population in excess of 20,000 people. Police court had, in all criminal cases, the jurisdiction and powers that were, or might be, vested in the justices of the peace of the county.

It also had power to hear and determine all cases of violation of city ordinances and all cases of inferior offenses of every description committed within the limits of the city or within a mile thereof.

This legislation enabled the City of Cleveland to establish a police court. The first election was held in April of 1853. The election results were as follows: John Barr, Judge; Bushnell White, Prosecutor; and Orlando J. Hodge, Clerk. The first session of Cleveland's Police Court was held in the back room of the Gaylord Block on Superior Street between Seneca (Frankfort) and the Public Square.



"OLD" COURTHOUSE ANNEX
PHOTOGRAPH COURTESY OF
THE CLEVELAND PUBLIC LIBRARY



"OLD" CENTRAL POLICE STATION ON WEST 6th STREET
PHOTOGRAPH COURTESY OF THE CITY OF CLEVELAND

Within a few months a new building was constructed on Johnson Street near Water Street. The court was housed on the second floor and it remained there for eleven years before moving to the new police station on Champlain Street. In 1854 the Police Court's jurisdiction was expanded to include the newly annexed Ohio City. Defendants brought before the police court were charged with various violations including selling unwholesome meat, "abusing his wife," and "soliciting guests drunk."

The first report of the Police Court was a hand written document dated May 26, 1853 submitted by the Clerk, O. J. Hodge to the City Trustees. It indicated that for a five to six week period, 184 persons had been tried and were fined a total of \$883.63. By 1878 the Annual Report indicated that 7277 persons were arraigned and fined a total of \$42,135.95. By 1898 this had increased to a total of 13,862 cases with \$43,703.55 having been levied in fines.

Mr. Hodge was a prominent citizen of the community in addition to his position as Clerk. He was a founder of the Society for Prevention of Cruelty to Animals, Trustee of the Burton Academy, City Editor of the Plain Dealer, member and President of City Council and member of the early Settlers Association 1903-1911.

Although Police Court was intended to solve many of the difficulties associated with keeping the peace, it did not address any of the problems concerning civil jurisdictions. The 1853 reorganization of Ohio's judicial system extended county-wide civil jurisdiction to the justices of the peace in the case of evictions, trial of right of property, and attachments. But with the growth of the city and a large county-wide area within its jurisdiction, many abuses occurred, not the least of which was the fee system. In 1886 legislation was enacted which enabled the City of Cleveland to abolish the fee system for justices elected within the city. The city paid the justices a salary of \$1,800.00 per annum and \$600.00 to the clerk. The Cleveland plan proved effective and was eventually adopted by Cincinnati and remained virtually unchanged until 1912.

By the year 1905 there were five justices in the City of Cleveland. They were in reality free-lance justices without a single court and under no direct supervision. The only qualification for the office was that the individual be a suitable and qualified resident of the township. Each justice had exclusive original jurisdiction in civil cases in any sum less than \$100.00 and concurrent jurisdiction with the Court of Common Pleas in any sum over \$100.00 and not more than \$300.00.

Because of the continuing dissatisfaction with the justice system, the Legal Aid Society of Cleveland performed a study in 1905. The following is an excerpt from that study.

"Residents of Cleveland, unable to secure election to office in the city, have removed to outlying townships, procured their election to the office of Justice of the Peace in such townships, and have then established offices in the business portion of the city. The machinery of justice in such offices is operated for revenue only. The offenses charged are not, it should be understood, attributable to all of these justices, but they are of frequent occurrence and show the danger to which the community is subjected by this class of officers.

Warrants are issued for the arrest of respectable citizens on groundless charges and accusations without the least inquiry by the justice into the merits of the charges. All that is necessary is that value be paid in consideration of the legal proceedings. Investigation has proved that in many of the cases where citizens were bound over by Justices of the Peace to the Police Court or to the Grand Jury, there has been absolutely no foundation for the charges. The desire for the fee is the sole cause which induces the justice to issue criminal process in such cases.

A large number of collectors and hangers-on have spread over the city, stirring up litigation, with the knowledge and consent of the justice, who rewards their efforts by appointing them as Special Constables in all cases brought by them into court, and allows them exorbitant fees for their various services at the expense of the litigants.

... Investigation has shown that several of these Justices of the Peace made a practice of selling court papers signed by them in blank, such as affidavits, undertakings in attachment, orders of attachment,



CENTRAL POLICE STATION AT EAST 21st AND PAYNE AVENUE.

appointments of Special Constable, etc., at stated prices. The documents so signed were kept by constables, collectors, etc., as stock in trade. Their practice was to fill in the blanks whenever necessary, and so set in motion the machinery of the law without ever bringing the matter to the attention of the Justice of the Peace.”

Although Ohio’s Municipal Court Act was not enacted until 1911, the prototype for the modern municipal court may have been established by the City of Toledo in 1898. In essence it was a court consisting of justices of the peace. Salaries were provided for them and the office of Clerk of Court was established along with a new schedule of court costs.

In the meantime Chicago, Illinois had experienced similar problems with their justice of the peace system and in 1906 the State of Illinois established the Municipal Court of Chicago. Although the original bill received a great deal of opposition from lawyers, it was passed into law in 1905. The intent of that legislation was not to duplicate the justice courts but to create a new court with unlimited jurisdiction in contract cases and up to \$1,000.00 in other civil cases. The Chicago court was comprised of twenty-eight judges along with a chief justice. The court was also given extensive rule-making authority as to local practice.

As a result of their previously mentioned study, the Legal Aid Society of Cleveland had legislation introduced in the Ohio General Assembly in 1908. The bill attempted to limit the civil territorial jurisdiction of the justices to the township from which they were elected, except for the performance of marriage ceremonies and other perfunctory duties. The bill further provided for the establishment of municipal courts within the city. But the primary purpose of the bill was to limit the authority of the justices and to establish a more efficient court which would eventually eliminate justices of the peace. However, the justices of the peace had a strong lobby and they were eventually able to quash the proposed legislation.

Although there continued to be demand for reform, there was no concerted effort by the legal profession to establish a meaningful alternative. However, the Cleveland Chamber of Commerce was concerned with the need for reform of the system, and watched the progress of the Chicago court. The Chamber of Commerce was instrumental in introducing a bill in the Ohio General Assembly in 1910 which was intended to create a new court modeled after the Chicago system. Probably a motivating factor in the passage of this legislation was the fact that the Cuyahoga County Common Pleas Court docket was overburdened with civil cases. The new court was to have civil jurisdiction within the City of Cleveland over which the justices then currently

had jurisdiction. In contract cases the municipal court would have jurisdiction up to \$2,500.00 and in all other cases up to \$1,000.00. The court would also assume the criminal jurisdiction of the police court. However, the initial legislation did not eliminate the justice of the peace courts because they were provided for by the state constitution. Therefore, the new court was given appellate jurisdiction in all actions against residents of the City of Cleveland when the original charge was determined by a justice of the peace anywhere within Cuyahoga County.

The court was established with a chief justice and six associate judges. The staffing was determined by estimating the probable number of cases that would be filed in the new court. The elected judges were the endorsed candidates of the Cleveland Chamber of Commerce. The original support staff of thirty-seven clerks and bailiffs was selected from among 372 applicants tested by the Cleveland Civil Service Commission. The civil branch of the court moved to the third floor of the City Hall building when it was opened in 1916. The criminal branch remained at the Champlain Street Station until the new Police Headquarters building at E. 22nd and Payne Avenue was completed in 1923.

The organization of a unified court enabled the several judges and support staff to coordinate their activities; thereby establishing a form of efficient judicial administration which enabled the court to develop along the lines first set out by its founders. According to William Ganson Rose, in his definitive history *Cleveland – The Making of a City*, “Experience quickly showed the great superiority of the Municipal Court over the old-fashioned justice court of an earlier day.”

The Cleveland court was the first to introduce the service of summons by mail. The practice was later adopted by the courts on a statewide basis. The judges, by local rule, established a conciliation department as a separate branch of the court. In reality this was the precursor of our modern small claims courts. Individuals having claims of less than fifty dollars were allowed to file a complaint in the court without the assistance of an attorney. A court appointed conciliator then attempted to settle the dispute in an informal manner. If the parties were unable to resolve their differences, they were allowed to have a hearing before a judge. This procedure was in effect until the Small Claims Act was enacted in November of 1967.

The first night session in the court’s history was held on January 27, 1919 to dispose of more than 300 prisoners caught in a crime-wave police dragnet. In response to the newly created Women’s Division of the



CLEVELAND CITY HALL BUILDING

Cleveland Police Department, the court established a women's section for its Probation Department in 1925. In 1938 the court approved a cooperative agreement with Common Pleas Court to establish a Psychiatric Clinic which would serve the needs of both courts. Essentially the clinic provides quality psychiatric and psychological evaluations for both courts. These evaluations enable the judges to establish the competency of the defendant to stand trial; take into consideration the psychiatric needs of the defendants when they are sentenced; and determine criminal responsibility in order to make more appropriate sentencing dispositions for the mentally diminished.

Many of our prominent citizens began their public careers with the Cleveland Municipal Court; and in many instances the court was on the cutting edge of both the women's movement and the equal rights movement. In 1923 the Hon. Mary B. Grossman became the first woman in the United States to be elected to a municipal court bench. For the next thirty-eight years she served with distinction as a judge of the court. Because of her reputation as a tough and "rigidly honest" jurist, former Safety Director Edwin D. Barry claimed that her presence on the bench was equal to adding one-hundred men to the police force. Early newspaper articles about Judge Grossman and other women judges indicate that women in positions of power were considered oddities during that time. Judge Perry B. Jackson became the first black judge in Ohio when Governor John W. Bricker appointed him to the Cleveland Municipal Court in 1942. Judge Jackson served with distinction as a municipal and common pleas court judge until his death in 1986. It would be another twenty-seven years before Judge Lillian W. Burke was appointed to the bench in 1969, becoming the first black woman judge in the State of Ohio.

The original Cleveland Municipal Court rules and procedures remained in effect essentially unchanged until 1975 when Ohio's Constitutional Courts Amendment empowered the Ohio Supreme Court to promulgate its *Rules of Superintendence for Municipal and County Courts*. This established the personal docket system of case assignment, routinized case numbering and established uniform case management reporting requirements.



JUSTICE CENTER

The year 1977 marked a milestone in the court's history. That year the Cleveland Municipal Court moved into the combined city/county Justice Center complex. Thus, for the first time in the court's history, its civil and criminal branches were housed in the same building. At the time of the ground breaking in 1972, the 132 Million Dollar Justice Center was the largest government project in the State of Ohio. The combined facility with over two million square feet of space has enabled the court to serve the community in a more efficient manner by maximizing the use of its human and physical resources.

In conclusion, let it be stated that seventy-five years ago this court was established to meet the needs of a growing industrial urban center. It reflected an era when people believed that manned flight should be left to adventurous youth. Few people imagined that the horseless carriage would ever replace the horse and buggy. The ensuing years have seen us progress from pen and ink to computer chips, Kitty Hawk to manned space flight, and victorian morals to the sexual revolution and the "liberated" generation. During this period the court has met the challenges of a changing society. This was accomplished by the dedicated judges and staff who worked tirelessly to accomplish this task. The Cleveland Municipal Court must continue to strive to meet the challenge of tomorrow.

CLEVELAND MUNICIPAL COURT

THE HON. CHARLES W. FLEMING

Presiding & Administrative Judge

Associate Judges:

THE HON. RONALD B. ADRINE

THE HON. SALVATORE R. CALANDRA

THE HON. C. ELLEN CONNALLY

THE HON. EDDIE CORRIGAN

THE HON. CLARENCE L. GAINES

Housing Court Judge

THE HON. SARA J. HARPER

THE HON. MABEL M. JASPER

THE HON. LARRY A. JONES

THE HON. EDWARD F. KATALINAS

THE HON. SHIRLEY STRICKLAND SAFFOLD

THE HON. CARL B. STOKES

THE HON. GEORGE W. TRUMBO

MR. BENNY BONANNO

Clerk of Courts