

IN THE SUPREME COURT OF OHIO
CASE NUMBER 2009-0866

STATE, EX REL. ELIZABETH A. KOBLY, ET AL.

RELATORS

vs.

YOUNGSTOWN CITY COUNCIL, ET AL.

RESPONDENTS

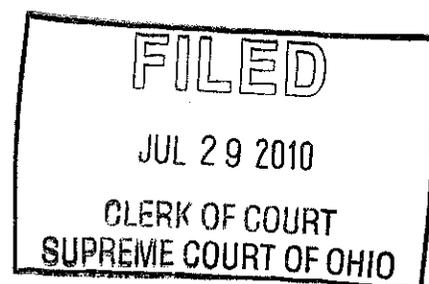
RESPONDENTS' SUBMISSION OF EVIDENCE
VOLUME THREE

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of RESPONDENTS' SUBMISSION OF EVIDENCE, VOLUME THREE, was mailed by regular mail on this 29th day of July, 2010, to JOHN B. JUHASZ (0023777), 7081 WEST BOULEVARD, SUITE 4, YOUNGSTOWN, OHIO, 44512-4362, ATTORNEY FOR RELATORS.

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RECORD OF EVIDENCE

VOLUME THREE

EXHIBIT I - Deposition of Judge Elizabeth A. Kobly

IN THE SUPREME COURT OF OHIO

CASE NO. 2009-0866

STATE OF OHIO, EX REL)
ELIZABETH A. KOBLY,)
ROBERT A. DOUGLAS, JR.,)
ROBERT P. MILICH)

Relators)

VS.)

YOUNGSTOWN CITY COUNCIL, ET AL)

Respondents)

DEPOSITION

OF

JUDGE ELIZABETH A. KOBLY

DEPOSITION taken before me, Debra M. Moore, a Notary Public within and for the State of Ohio, on the 1st Day of July, 2010, pursuant to Notice and at the time and place therein specified, to be used pursuant to the Rules of Civil Procedure or by agreement of counsel in the above cause of action, pending in the Supreme Court of Ohio.

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Also Present:

Judge Robert A. Douglas, Jr.

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14 PLAINTIFF'S EXHIBITS INTRODUCED: NONE
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16 DEFENDANT'S EXHIBITS INTRODUCED:

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STIPULATIONS

It is stipulated and agreed by and between counsel for the parties hereto that this deposition may be taken at this time, 1:00 p.m., July 1, 2010, in the offices of City of Youngstown Law Department, City Hall, 26 South Phelps Street, Youngstown, Ohio.

It is further stipulated and agreed by and between counsel that the deposition may be taken in shorthand by Debra M. Moore, a Notary Public within and for the State of Ohio, and may be by her transcribed with the use of computer-assisted transcription; that the witness will read and sign the finished transcript of his\her deposition.

1 WHEREUPON,
2 JUDGE ELIZABETH A. KOBLY,
3 of lawful age, being by me first
4 affirmed to testify the truth, the
5 whole truth, and nothing but the truth,
6 as hereinafter certified, deposes and
7 says as follows:

8 CROSS EXAMINATION:

9 BY MS. GUGLUCELLO

10 Q Would you state your name and spell it
11 for the reporter, please?

12 A Elizabeth Kobly, K-O-B-L-Y.

13 Q Okay. And, Judge Kobly, do you
14 currently hold elective office in the City of Youngstown?

15 A I do.

16 Q And what is your position?

17 A I'm a Municipal Court Judge since the
18 year 2000.

19 Q You were elected in the year 2000 or
20 1999?

21 A I was appointed.

22 Q Oh, you were appointed?

23 A I was appointed originally.

24 Q Okay. I didn't remember that.

1 A And then elected after that.

2 Q So you've been serving since 2002?

3 A 2000.

4 Q I'm sorry, since 2000.

5 A That's okay.

6 Q What month, if you remember?

7 A It's either August or September, more
8 probably September.

9 Q Okay. And let me tell you a little bit
10 about the background of the Municipal Court Judge. I
11 think you've been in these depositions, and mostly it's
12 been established through testimony that there are
13 currently three Municipal Court Judges; would that be
14 correct?

15 A Yes.

16 Q One Court Magistrate; would that be
17 correct?

18 A That's correct.

19 Q That each of the Municipal Court Judges
20 have a secretary and a bailiff?

21 A Yes.

22 Q The Magistrate at this time, I don't
23 know, does he have a secretary?

24 A He does not.

1 Q Okay. Tell me a little bit about --
2 we've heard all kind of testimony about the facilities,
3 and I don't want to go room by room as we have been doing,
4 but let me talk about specific parts of this facility. Do
5 you currently have a law library?

6 A We do not.

7 Q Okay. Do you currently have access to
8 legal research?

9 A Through the Internet, yes.

10 Q Okay. Would you agree that you're on
11 the Westlaw system?

12 A I think the court is. I personally have
13 never used it.

14 Q So you're not familiar with the fact
15 that the City provides Westlaw research?

16 A Yeah, I am aware of that. We pay for
17 it. We pay for what we use.

18 Q Yes, I know. The cost is allocated
19 amongst the court and the City; correct?

20 A Yes, I'm aware of that.

21 Q Okay. And aware that you have capacity
22 for yourself and one assistant?

23 A To do what?

24 Q To access the Westlaw system.

1 A I'm aware that I can access it if I
2 chose to. I've never chosen to do that.

3 Q Okay. Are you aware of what research
4 materials are on that Westlaw system?

5 A Probably everything, but I've never used
6 it, so I don't know.

7 Q Okay. Do you have a copy of the Revised
8 Code handy?

9 A I have a copy in the courtroom.

10 Q Okay.

11 A I don't have one in my office.

12 Q But you have one in the courtroom?

13 A Yep.

14 Q And is that updated?

15 A Yes.

16 Q Okay. Do you have handbooks and
17 materials that you use while you're on the bench, such as
18 the Rules of Evidence, trial handbook, Judges trial
19 handbooks, anything of that nature?

20 A The only thing I have in the courtroom
21 is the Revised Code.

22 Q Okay. Do you have the use of the law
23 library in the Law Department?

24 A I don't know. I would imagine, if I

1 asked to use it, I would imagine that you would let me.

2 Q How often have you used this since the
3 year 2000?

4 A I've never used it.

5 Q Okay. Are you aware if the other two
6 Judges use it?

7 A I'm not aware.

8 Q Are you aware if they're on the Westlaw
9 system or if they access the Westlaw system to do
10 research?

11 A I don't know which of the Judges or the
12 Magistrate uses Westlaw. All I can tell you is that I
13 don't.

14 Q Do you know whether the Magistrate is on
15 the Westlaw system?

16 A I believe he is.

17 Q I think we got -- Tony got into this a
18 little bit with Judge Milich, but, you know, I'd like to
19 ask you, how are jury trials convened in the Municipal
20 Court?

21 A We summons them. Barb Collett is our
22 jury commissioner. She summonses the jurors, and she's in
23 communication with them by phone after they send their
24 questionnaires back. Since we don't have a place to put

1 the jurors, we have them go up to Council chambers on the
2 sixth floor, and that's where they stay. They just sit
3 there until they're brought down for a jury trial.

4 Q How many times a year do you do that?

5 A We have jury sessions that last every
6 three weeks, only because we can only have one Judge at a
7 time have jury trials. So the summonses go out for, boy,
8 how many jury sessions do we have? I have my jury
9 sessions probably every two-and-a-half months, so they
10 pretty much go all year-round.

11 Q How many jury trials do you have a year?

12 A Last year I had 14.

13 Q You had 14?

14 A Which was the most that I've ever had.

15 Q So how many do you normally have?

16 MR. JUHASZ: Objection.

17 A I don't know that there's any normal to
18 that. It depends on a lot of things. It depends on who
19 my prosecutor is, it depends on whether -- well, you know,
20 it depends on a whole host of things as to how many jury
21 trials you're going to have. Last year's 14 jury trials
22 was the most that I've ever had.

23 Q What was the least that you've ever had?

24 A The least that I've ever had is probably

1 six.

2 Q So between six and 14 would be normal in
3 your court?

4 A That's what I've had in the ten years
5 that I've been here, yeah.

6 Q Do you know how many jury trials Judge
7 Milich had last year?

8 MR. JUHASZ: Objection.

9 A I do not.

10 Q Do you know how many jury trials Judge
11 Douglas had last year?

12 A I do not. But for each session, the
13 jurors are summoned in for three weeks. One week is my
14 week, one week is Judge Milich's, one week is Judge
15 Douglas's. And that goes on all year-round.

16 Q Would it surprise you if I told you that
17 Judge Milich testified he has one or two a year?

18 A No.

19 MR. JUHASZ: Objection.

20 Q If Judge Milich has one or two a year --
21 he also testified that Judge Douglas has one or two a
22 year. If we can assume that Judge Milich is correct and
23 that Judge Douglas and Judge Milich only have one or two
24 trials a year, then how likely is it that you're going to

1 all be having a trial at the same time?

2 MR. JUHASZ: Objection.

3 A Well, I can't answer that, because we
4 can't have jury trials at the same time, so we've never
5 been able to do that, because we have only one
6 deliberations room.

7 Q But isn't it pretty easy to schedule if
8 the other Judges are only having one or two trials a year
9 and you have 14?

10 MR. JUHASZ: Objection.

11 A No, actually it is not, because what we
12 do, jurors file -- or lawyers file jury demands all the
13 time. It's for any number of reasons, in an attempt to
14 stall the proceedings, for any number of reasons other
15 than legitimate ones of actually having a jury trial. And
16 so we have to reserve time ahead of time for those jury
17 trials. We have to schedule them, and then if they end up
18 pleading at the last minute, they do, but you don't know
19 that a lot of time until right before trial sometimes or a
20 week before trial after our schedules are already made.

21 Q But isn't it true that you can only have
22 one trial at a time?

23 A Yes.

24 Q Okay. So if you have 14 trials, even if

1 it's 14 trials, you can only try one at a time?

2 MR. JUHASZ: Objection.

3 A Right, I can only try one at a time;
4 that's correct.

5 Q Okay. Thank you. When criminal
6 defendants appear in court, are they always in custody?

7 A No.

8 Q Why is that?

9 A Some are out on bond.

10 Q Okay. And when they are not in custody,
11 are they considered to be a part of the general public?

12 A Considered by whom to be part of the
13 general public?

14 Q Well, let's say can you deny them access
15 to the clerk of courts office because they are a defendant
16 in a criminal trial and have appeared and they're on bond?

17 A I would hope no one would defy them
18 access to the clerk's office.

19 Q Okay. So they basically can come into
20 public buildings as the general public can?

21 A I don't see why not.

22 Q Okay. And they can use the same
23 elevators as the general public in a public building?

24 A I don't see why not.

1 Q Now, you're currently doing -- the
2 Municipal Court in Youngstown currently does arraignments
3 by video; is that correct?

4 A Yes.

5 Q Has that greatly reduced the number of
6 appearances by actual defendants in custody in the court,
7 in Municipal Court?

8 A On an arraignment day, it has.

9 Q Okay. And we can say, can't we, that
10 anybody that's charged with a crime has to appear for
11 arraignment, so obviously if they're not appearing for
12 arraignment, then at least one court appearance is totally
13 done away with; correct?

14 MR. JUHASZ: Objection.

15 A No, I don't agree with that. They still
16 have a court appearance. It's just that they're not
17 physically there in person.

18 Q But the arraignment appearance is done
19 away with?

20 MR. JUHASZ: Objection

21 A No, there's still an arraignment. It's
22 just not done in person.

23 Q They're not appearing in court, in
24 person in court?

1 A Right, that's just what I said.

2 Q All right.

3 A I'm sorry.

4 Q I must have confused you with the
5 question, I'm sorry. So prisoners -- I'm sorry, charged
6 defendants may not appear in person for court. They could
7 appear for a preliminary hearing --

8 A Yes.

9 Q -- if they're charged with a felony?

10 A In person.

11 Q In person, yes. Some of those
12 individuals are out on bond, are they not?

13 A They may be.

14 Q Okay. And misdemeanants would not have
15 another court appearance normally, I would imagine, after
16 arraignment. They would not appear personally in court
17 until some kind of pretrial?

18 A That's correct. That's the next stage,
19 is a pretrial, yes.

20 Q Okay. And then subsequently a trial if
21 it gets to a trial?

22 A There may be two or three pretrials, but
23 there's eventually a trial, yes.

24 Q And last year there were personal

1 appearances in trials probably about, at a maximum, 16, 17
2 times?

3 MR. JUHASZ: Objection.

4 A Are you talking jury trials or bench
5 trials?

6 Q Jury trials.

7 A Oh, I don't know. I can only tell you
8 that I had 14 jury trials. That's all I can tell you.

9 Q Okay. Where does the Magistrate have
10 his hearings, because I really don't know?

11 A He uses our courtrooms. We schedule him
12 to have our courtrooms annually so that we know not to
13 schedule cases for us because he's using our courtroom.

14 Q Okay. And does he have jury trials, or
15 does he just do bench trials and other types of hearings?

16 A He's not ever done a jury trial, to my
17 knowledge.

18 Q Is he permitted to? I don't really
19 know.

20 A Sure.

21 Q Okay. Now, the Magistrate's decisions,
22 since he doesn't have a secretary, who types them right
23 now, or are they typed?

24 A No. He hand writes his decisions.

1 Q He hand writes his decisions. Do you
2 hand write your decisions?

3 A Sometimes.

4 Q Your findings of guilt or innocence are
5 usually handwritten?

6 A That depends. It totally depends on the
7 case. Some I've handwritten. If it's an extensive
8 decision that needs to be researched and evidence analyzed
9 and, you know, if it's more involved, then no, I wouldn't
10 hand write that, I would type it.

11 Q How often does that happen?

12 A I don't know. I can't give you an
13 answer on that because --

14 Q Is it the majority of the time?

15 A The majority of time that I have bench
16 trials does that happen?

17 Q No, the majority of the time does that
18 happen whenever you enter an order finding somebody guilty
19 or not guilty?

20 MR. JUHASZ: Objection. You can answer.

21 A I don't know. I've not thought about
22 the number of times I've typed a decision versus written
23 one.

24 Q Okay.

1 A They both happen. That's all I can tell
2 you.

3 Q And who types them for you?

4 A I do. I type my own, only because, as
5 anal as I am and as grammatically hung up as I am, I like
6 to change things three and four and five times before I'm
7 finally satisfied with my end product. So it's just
8 easier if I do it myself, as opposed to making my
9 secretary nuts.

10 Q Okay. So what does your secretary type?

11 A My secretary does the court
12 appointments, all of the court appointments, and she
13 handles all of my civil docket. As far as her typing
14 goes, I don't know that she really does a whole lot of
15 that, because my notices are handwritten, so she hand
16 writes those. She types some correspondence. She has
17 some standard letters that she sends out for people that
18 attempt to communicate with me ex parte. So there's some
19 things that she types.

20 Q And that takes up all her time, an
21 eight-hour day?

22 A No. No, the majority of her time is
23 actually dealing with the public. Because it's easier for
24 me to do my own journal entries, it's easier for me to do

1 my own research and my own typing. She processes all the
2 car releases and dealing with the public on whether they
3 get driving privileges or not. She constantly has people
4 in and out of her office for that reason.

5 When I'm on arraignments, she has to get all of the
6 court appointments done. She manages my civil docket and
7 all of the civil files that come in on a daily basis. She
8 has to prepare all of our numbers for our Supreme Court
9 reports. And she has to deal with the assignment office,
10 the court administrator, the Magistrate, the other Judges,
11 everybody since I'm the Administrative Presiding Judge.
12 So typing is the least of what I would require my
13 secretary ever to do.

14 Q How long have you been Administrative
15 Judge, because you just mentioned that you are?

16 A How time flies. I probably have been AP
17 this time for the last two-and-a-half years, and then I
18 was AP earlier, I don't know, maybe three or four years,
19 probably starting from 2002 to maybe 2005 or '6. I don't
20 know. It's been several -- a couple years at a time, I
21 guess I would say, a couple years back then and a couple
22 years now, so maybe four-and-a-half, five years
23 altogether.

24 Q Okay. Your latest stint as

1 Administrative Judge, when did it begin?

2 A It actually began mid year. It
3 typically begins at the beginning of the year in January
4 after the Judges vote on it. So this year was -- they
5 voted on it this year, they voted on it last year, so it
6 probably was mid year of 2008. And I believe that it was
7 at a time where -- because Judge Douglas was the AP before
8 me, and I believe I took over at the time when Judge
9 Douglas's -- unfortunately, he was having personal
10 problems with his wife's death and whatnot.

11 Q How long was Judge Douglas AP before you
12 took over in 2008?

13 A He was AP for the two, three or four
14 years between when I was AP.

15 Q Okay. Then let's go back to when you
16 were AP. You were AP in 2006, you said, and is it -- is
17 it usually on a calendar basis that you're AP?

18 A Yes, it's a yearly basis.

19 Q So were you AP in 2006?

20 A I don't know.

21 Q Were you AP in 2005?

22 A I may have been.

23 Q Were you AP in 2004?

24 A I probably was. I know I was in '04. I

1 know I was in '02, so I'm assuming I was in '03. And I
2 only remember that because I was going through journal
3 entries that I had prepared for administrative reasons, so
4 I know it was '02, I know it was '03, it probably was '04.

5 Q Okay. But you're not sure about '05?

6 A No.

7 Q And you're not sure about '06?

8 A No.

9 Q And '07?

10 A No, I think it was Judge Douglas at that
11 point.

12 Q Was Judge Milich Administrative Judge
13 during that period of time from 2002 to 2010?

14 A No.

15 Q Okay. So it would have been you or
16 Judge Douglas?

17 A That's right.

18 Q Okay. At the time that you became
19 Administrative Judge in mid 2008 -- and mid, are we saying
20 June or July of that year, or was it a little earlier or a
21 little later, if you remember?

22 A I think it was later. I think it was
23 probably September or so, but I don't know for sure.

24 Q Okay. During the transition from Judge

1 Douglas being Administrative Judge to your being
2 Administrative Judge, was there -- were you aware of there
3 being an issue, a disagreement, some dispute between City
4 administration and the Judges over the building or the
5 provision of a court facility for the Municipal Court
6 Judges?

7 A Yes.

8 Q Okay. At the time that you became the
9 Administrative Judge, can you remember where that dispute
10 was in terms of what was happening concerning that dispute
11 at that time?

12 A Are you referring to whether we were
13 still at the Masters Block or whether we have shifted
14 gears to the Annex? Is that what you're referring to?

15 Q Well, that might be part of it, but
16 anything else that was happening when you took over office
17 that you were aware of?

18 A For the entire time that I've been here,
19 I've been aware that we have been trying to get a new
20 facility, and we've been stonewalled, we've been
21 pooh-poohed, we have been ignored, and otherwise just
22 refused.

23 Q Okay. Let's go back to, was it 2003
24 that you said you were Administrative Court Judge?

1 A Uh-huh.

2 Q 2003, what was your involvement in this
3 ongoing issue about new court facilities for the Municipal
4 Court Judges?

5 A I wasn't very involved in it, only
6 because Judge Douglas spearheaded the effort and still
7 does to this day, regardless of whether he's AP or not. I
8 learned a lot from Judge Douglas. I learned that -- all
9 of the work that he had done. I knew of his many meetings
10 with Ray Jaminet. I knew that he had scoped out various
11 places where we can -- could conceivably either build or
12 remodel for a new facility.

13 I know that he had checked out properties right by
14 the jail. I know that we had -- that he had looked at
15 properties across from Ursuline High School. I know that
16 he had checked into the demolition of properties by the
17 jail for purposes of whether or not we could acquire that
18 property. I know that he looked at the property at the
19 Masters site, and I know that he had many meetings with
20 Council about that. I know that he met with the Mayor. I
21 know that he met with Ray Jaminet. I know that there were
22 plans drawn. I know that there was extensive, extensive
23 work done by Judge Douglas and Ray Jaminet to try to get
24 some action to try to get something moving on this

1 project.

2 Q Okay. Now, when the transition took
3 place between when Judge Douglas ceased to be the
4 Administrative Court Judge and you became the
5 Administrative Court Judge, was there some -- did Judge
6 Douglas give you a file concerning --

7 A No.

8 Q -- with all the material concerning the
9 court?

10 A No, because that -- that wasn't a part
11 of the Administrative Presiding Judge's duties. That was
12 a project that Judge Douglas had initiated, and regardless
13 of who was AP, Judge Douglas was going to carry that
14 through, and that didn't move with the title or with the
15 responsibilities of Administrative Presiding Judge. It
16 stayed with him.

17 Q Okay. So you never had a file that
18 would contain all the information about all the studies
19 that had been done, about all the planning that had been
20 done --

21 A No.

22 Q -- about all the meetings that had been
23 had --

24 A No.

1 Q -- or any of the correspondence between
2 Judge Douglas and anybody that had to do with the
3 courthouse; is that correct?

4 A I had none of that.

5 Q Well, what did you -- at that time when
6 you took over as Administrative Judge, what was your
7 belief as to Mr. Jaminet and who he worked for?

8 A I knew that he was hired by the City,
9 because there was an ordinance to that effect. And I knew
10 that he worked closely with Judge Douglas to prepare
11 drawings and do whatever needed to be done to either build
12 a new facility or renovate an existing one. But he
13 primarily dealt with Judge Douglas.

14 Q Okay. So it was your impression that
15 he -- do you know, did he have a contract with anybody?

16 A I know that there was an ordinance that
17 went on that hired him -- where the City hired him to
18 provide architectural services for us. That's what I
19 knew.

20 Q Okay. Have you ever seen a contract
21 with Mr. Jaminet entered into between the City and Mr.
22 Jaminet?

23 A I don't know if there is a contract. I
24 know there's an ordinance. There may be a contract. I

1 really don't know about that.

2 Q Okay. So if there is a contract, you
3 really haven't seen it?

4 A I don't know that. I may have seen
5 something. I'm recalling something that I've seen. Boy.

6 Q If I hand you --

7 A I'm recalling something that I saw.

8 Q -- a copy of Respondent's Exhibit E,
9 which was introduced in these proceedings yesterday, can
10 you take a look at it? And take as much time as you need.

11 A Yeah, I remember seeing this. Yeah,
12 I've seen this before.

13 Q Okay. Can you, through that contract,
14 Article II on the second page --

15 A II on the second page, okay.

16 Q -- Scope of Services, what does it refer
17 to?

18 MR. JUHASZ: Objection. You can answer.

19 A It refers to an Exhibit A.

20 Q Okay. Is there an Exhibit A attached to
21 the contract?

22 A I don't know, let's see. Yes, there is
23 an Exhibit A.

24 Q Okay. And can we agree, then, that

1 Exhibit A is the scope of this contract, outlines the
2 scope of the contract?

3 MR. JUHASZ: Objection.

4 A I don't know what it does. "The
5 professional consulting services which the consultant
6 agrees to provide are more particularly described in
7 Exhibit A." And there is an Exhibit A. So what are you
8 asking me, Iris?

9 Q As far as Exhibit A is concerned, you
10 see that it's broken out into Sections A, B, C?

11 A Yes.

12 Q And C has Part II, Part III, Part IV?

13 A Okay.

14 Q Can we agree that under this contract,
15 that is what Mr. Jaminet was hired by the City to do?

16 MR. JUHASZ: Objection.

17 A I wasn't part of this, so I don't know
18 what the City hired anybody to do, but this is an exhibit
19 which defines consulting services.

20 Q You are a lawyer, are you not?

21 A Yeah.

22 Q It looks like a contract?

23 MR. JUHASZ: Objection.

24 A Yeah.

1 Q And there's no dispute that Exhibit A is
2 a part of the contract?

3 MR. JUHASZ: Objection.

4 A It appears to be, sure.

5 Q And does Exhibit A appear to define what
6 the work is that the contractor is being hired to do?

7 MR. JUHASZ: Objection.

8 A It appears to define work that the
9 consultant is to do, yes.

10 Q Okay. Now, can we agree that A says
11 that meet with courts and Police Department planning
12 groups jointly?

13 A That's what it says.

14 Q And then can we agree that 1 through 5
15 under A basically further define how those meetings are
16 going to take place and what they're going to consist of?

17 MR. JUHASZ: Objection.

18 A It appears to say that.

19 Q Can we agree that B says meet with court
20 facility planning group?

21 MR. JUHASZ: Objection.

22 A Yes.

23 Q And can we agree that 1 through 5
24 basically again further defines how those meetings are to

1 take place, what those meetings are supposed to consist
2 of, what's supposed to be the result of the meetings?

3 MR. JUHASZ: Objection.

4 A No, because it says prepare draft of
5 Program of Requirements, submit a draft, you know, it
6 doesn't -- amend a report as necessary. It doesn't talk
7 about meetings, like you say it does. It talks about
8 stuff to be done.

9 Q Well, all right. So it encompasses the
10 stuff to be done as a result of meeting with the court
11 facility planning group?

12 MR. JUHASZ: Objection.

13 A I don't know, Iris. There are
14 subsections to a Section B labeled meet with court
15 facility planning group, and there are things listed
16 underneath that that appear to me to be things to do.

17 Q Okay. Well, what are those things to
18 do?

19 MR. JUHASZ: Objection.

20 A Review Olsavsky Jaminet Architects 2001
21 report, amend a report as necessary, prepare a draft of a
22 Program of Requirements, which shall include the following
23 things, submit draft of POR for approval or comment, meet
24 with client group to review comments, and amend report to

1 reflect the consensus of the meeting.

2 Q Okay. Can we agree that that is
3 something that under this contract Mr. Jaminet was hired
4 to do?

5 MR. JUHASZ: Objection.

6 A If he is the consultant as set forth in
7 this agreement, then yes.

8 Q Okay. C, can we agree that C says that,
9 meet with Police Department planning group?

10 A That's what it says.

11 MR. JUHASZ: Objection.

12 Q And are there some subsections under C
13 that require certain action from Mr. Jaminet?

14 MR. JUHASZ: Objection.

15 A It appears to require action by him,
16 yes.

17 Q Okay. Can we agree that that action is
18 to determine the Police Department requirements, to
19 prepare a draft of the POR, which shall include the
20 following, and then has a set of requirements of what the
21 POR should contain?

22 MR. JUHASZ: Objection.

23 A It appears to say that.

24 Q Okay. Moving along to Part II, Analyze

1 Potential Building Sites, Police and Court Facilities.

2 A Uh-huh.

3 Q Okay. And there are some subsections
4 under that as well?

5 A There are.

6 Q Okay. Would you agree that those
7 subsections refer to actions or activities that Mr.
8 Jaminet should engage in in carrying out the analyzing of
9 potential building sites for police and court facilities?

10 MR. JUHASZ: Objection.

11 A This appears to require him to do that.

12 Q Okay. Let's move on to Part III,
13 Present Program of Requirements, Police and Court
14 Facilities, okay.

15 A Uh-huh.

16 Q Does that require under the subsections
17 that Mr. Jaminet report to include all the items of Part
18 I, Paragraph B, C, and Part II of this exhibit?

19 MR. JUHASZ: Objection.

20 A Yes.

21 Q Is he, under that, to submit a draft of
22 POR for approval or comment?

23 MR. JUHASZ: Objection.

24 A That's what it says.

1 Q Okay. Is he to meet with client group
2 to review comments and come to consensus?

3 MR. JUHASZ: Objection.

4 A That's what it says.

5 Q Present final report to joint committee
6 of court and Police Department?

7 MR. JUHASZ: Objection.

8 A Yes.

9 Q Is he to furnish ten copies of the final
10 report?

11 MR. JUHASZ: Objection.

12 A That's what it says.

13 Q Okay. Now, let's move on to Part IV,
14 Schematic Design, City Municipal Court Building. Under --
15 that has two subsections, does it not?

16 A It does.

17 Q Okay. And those subsections, the first
18 one is schematic design shall reflect the requirements of
19 the POR?

20 A That's what it says.

21 Q Okay. B says schematic design shall
22 minimally include, and then it has a list of the things
23 that should be included in the schematic design?

24 MR. JUHASZ: Objection.

- 1 A That's what it says.
- 2 Q Can we agree to that?
- 3 A Yes.
- 4 Q Can we agree -- going back a minute to
5 Exhibit A, B3.
- 6 A Yes.
- 7 Q Okay. Can we agree that POR refers to a
8 Program of Requirements?
- 9 MR. JUHASZ: Objection.
- 10 A That's what it says. I don't know what
11 that means, though.
- 12 Q I'm not sure either. I'll be honest.
- 13 A Okay.
- 14 Q So we can agree that that is the scope
15 of what Mr. Jaminet was hired to do under this contract?
- 16 MR. JUHASZ: Objection.
- 17 A It appears to be that, yes.
- 18 Q Okay. Thank you. Do you know whether
19 Mr. Jaminet has done all that?
- 20 MR. JUHASZ: Objection.
- 21 A No, I don't know.
- 22 Q Okay. Do you know whether Mr. Jaminet
23 had a time requirement for completing the doing of all
24 that?

1 MR. JUHASZ: Objection.

2 A No, I don't know that.

3 Q Look under Article III of this contract
4 where it says Time of Performance.

5 A Article III, yes.

6 Q Okay. Does that say that the services
7 of consultant shall commence upon receipt of consultant of
8 written notice to proceed from the City. The services of
9 consultant shall be performed in the manner described in
10 Exhibit A and scheduled and described as in Exhibit B --

11 MR. JUHASZ: Objection.

12 Q -- and that the term of this agreement
13 shall be the period commencing upon consultant's receipt
14 of the notice to proceed and terminating upon completion
15 of the project, not to exceed 75 consecutive calendar
16 days?

17 MR. JUHASZ: Objection.

18 A You read that accurately.

19 Q Okay. Does that appear to say that the
20 acts that Mr. Jaminet was to perform under this contract
21 were to take place in 75 days?

22 MR. JUHASZ: Objection.

23 Q I'm not trying to trick you. Is that
24 what it requires?

1 MR. JUHASZ: Objection.

2 A No, because it commences upon his
3 receipt of a notice to proceed and terminating on the
4 completion of the project.

5 Q Okay.

6 A But it does say not to exceed 75
7 consecutive days.

8 Q Can we agree that Exhibit A does not
9 include any work to be performed by Mr. Jaminet for
10 contract designs?

11 MR. JUHASZ: Objection.

12 A Well, I don't know. Let me read it.
13 Does that mean a Program of Requirements?

14 Q I don't think so.

15 A Is that what a POR is? See, I don't --

16 Q Does it say anything about --

17 A I don't know the lingo, Iris.

18 Q Okay. Does it say anything about him
19 carrying out a contract design?

20 A I don't see the words contract design.

21 Q Do you know whether Mr. Jaminet
22 completed Part IV, Subsection B?

23 MR. JUHASZ: Objection.

24 Q The schematic design -- I'm sorry, A and

1 B, schematic design shall reflect the requirements of the
2 POR?

3 MR. JUHASZ: Objection.

4 A What? You just lost me. Where am I
5 looking at?

6 Q Part IV.

7 A Schematic design. Is that a contract
8 design?

9 Q That's this. That's a schematic design.

10 A So are you asking me if he completed
11 that? Yes, he did. Is that what you asked me?

12 Q All right. Do you know whether he
13 completed a schematic design of what was contracted for
14 under this contract?

15 MR. JUHASZ: Objection.

16 A I don't know what site they're looking
17 at in this contract, so I don't know.

18 Q Okay. Then let's move ahead to that;
19 okay?

20 A To what?

21 Q To establishing what was required in
22 this contract.

23 A Oh, okay.

24 Q All right?

1 A Uh-huh.

2 Q All right.

3 (Whereupon Defendant's Exhibit J was marked.)

4 Q I'm handing you what's been marked as
5 Exhibit J. Would you take the time to look at the
6 document?

7 A Okay.

8 Q Have you seen that draft before? I'm
9 sorry, that preliminary architectural study?

10 A Parts of it. I have not seen it all put
11 together like this.

12 Q What parts have you seen that you
13 remember?

14 A Not the first page, not the second page.

15 Q Okay.

16 A I've seen the third page. Wait, it's
17 labeled Page 1 of 39. I've seen that.

18 Q Okay.

19 A I've seen 2, 3. Wait a minute. I've
20 seen Pages, as they're labeled on here, 1 through 16 of
21 39. I know I've seen that. I've seen Page 20 of 39.
22 That's all I've seen.

23 Q Just 20, not 21, 22 or 23?

24 A Right.

1 Q And since you've seen them, did you know
2 at the time what it was you were looking at?

3 A No.

4 Q You didn't know it was a preliminary
5 study for design of a new Municipal Court building?

6 MR. JUHASZ: Objection.

7 A I knew that it was -- yes, I did know
8 that. I'm sorry, I didn't know where. I knew that that's
9 what it was, yes.

10 Q Okay. Take a look toward the back of
11 that exhibit.

12 A Okay.

13 Q There's an Appendix A. It's like three
14 pages back.

15 A Okay.

16 Q Yeah, from the back, three pages.

17 A Okay. I've got it.

18 Q You've never seen that before?

19 A I've never seen it.

20 Q Take a look at it now, the second page
21 of that appendix. Is it titled Mahoning County/Youngstown
22 Jail Facility Site Evaluation Matrix?

23 A Yes.

24 MR. JUHASZ: Objection.

1 Q And does it appear to list in the boxes,
2 okay, in the boxes at the top, top boxes --

3 A Okay.

4 Q -- does it appear to have one box that
5 says Value Ranking and then have a series of boxes, eight
6 in total, which are labeled Site 1, Site 2, Site 3?

7 A Yes.

8 MR. JUHASZ: Objection.

9 Q Okay. And could you agree with me --
10 and only if you could. I mean, if you really don't know,
11 you don't have to say so. But would you agree with me
12 that it looks to be a ranking, an evaluation of different
13 sites?

14 MR. JUHASZ: Objection.

15 A I don't know what this is, Iris. I've
16 never seen it. But they are listed Site 1, 2, 3 and 4
17 through 8, so if they're -- if 1 is the top and 8 is the
18 least, I guess you could interpret it like that.

19 Q Okay. I wasn't -- I'm sorry. You
20 misunderstood me. I didn't mean to imply that they were
21 ranked as Site 1 being better or less better than Site 8.
22 What I'm saying is, does this appear to be a sheet that is
23 evaluating eight different sites?

24 MR. JUHASZ: Objection.

1 A It appears to be that, yes.

2 Q Okay. So going back to the page that
3 you do remember seeing, you remember seeing Page No. 1;
4 correct?

5 A Labeled --

6 MR. JUHASZ: Objection.

7 A -- 1 of 39, yes.

8 Q Yes. And is that page labeled Executive
9 Summary, New Municipal Court, Police Department and
10 Related Facilities?

11 MR. JUHASZ: Objection.

12 A That's what it's titled, yes.

13 Q Okay. And does it lay out its purpose?

14 MR. JUHASZ: Objection.

15 A Yes.

16 Q Okay. And is this something that you
17 understood -- and I'm going back to when you saw the
18 document. Did you understand this document to have been
19 prepared by Mr. Jaminet?

20 MR. JUHASZ: Objection.

21 A Yeah.

22 Q Okay. Thank you. So basically it's a
23 preliminary architectural study that was submitted by Mr.
24 Jaminet?

1 MR. JUHASZ: Objection.

2 A I don't know that. I don't know where I
3 got it from. I don't know where I got these partial pages
4 from.

5 Q Okay. But we can agree that you've seen
6 them and that at the time you read them, you believed Mr.
7 Jaminet prepared them?

8 MR. JUHASZ: Objection.

9 A Yes, I did.

10 Q Now, take a look through the preliminary
11 study that I've offered you as exhibit. Are there any
12 designs in there?

13 MR. JUHASZ: Objection.

14 Q Are there any schematic designs in
15 there?

16 MR. JUHASZ: Objection.

17 A Any pictures?

18 Q Yes, you know, a drawing of a building
19 with certain areas in the building?

20 MR. JUHASZ: Objection.

21 A No, there aren't any.

22 Q Okay. So it doesn't have any schematic
23 designs?

24 MR. JUHASZ: Objection.

1 A If that's what you want to call
2 schematic design, no, there aren't any.

3 Q Okay. Are you aware, then, of whether
4 Mr. Jaminet did, in fact, prepared schematic designs under
5 the contract that we talked about as being Exhibit A, I
6 believe?

7 MR. JUHASZ: Objection.

8 A I know that he prepared schematic
9 designs. Whether it is pursuant to a contract or not, I
10 can't answer that. I know he prepared designs.

11 Q Okay. Do you know what schematic
12 designs in particular this contract asked for?

13 MR. JUHASZ: Objection.

14 A No.

15 Q I thought I had done this in a way where
16 it would be easy to access, but apparently I was mistaken.

17 (Whereupon Defendant's Exhibit K was marked.)

18 Q Handing you a letter that's been marked
19 as Defense Exhibit K.

20 A Okay.

21 Q All right. Have you ever seen that
22 letter before?

23 A No.

24 Q Does it appear to be a letter from

1 Carmen Conglose, Jr., to Raymond Jaminet?

2 MR. JUHASZ: Objection.

3 A Yes.

4 Q Would you take a minute to read the
5 letter?

6 A Uh-huh. Okay. I've read it.

7 Q Thank you. What's the date of that
8 letter?

9 A November 29 of 2006.

10 Q Okay. 2006, November 29. Does the
11 letter say in the second paragraph -- I'm sorry, in the
12 first paragraph, would you say that that letter is
13 authorizing Mr. Jaminet to go ahead with the work
14 identified in Part IV of Attachment A of the agreement he
15 has with the City?

16 MR. JUHASZ: Objection.

17 A Yes.

18 Q And could we agree that the second
19 paragraph refers to the schematic design based upon the
20 City of Youngstown's selection of the former Masters
21 building location at the southwest corner of West Federal
22 Street and Vindicator Square?

23 MR. JUHASZ: Objection.

24 A Yes.

1 Q All right. Thank you. Can we agree
2 that the schematic design that Mr. Jaminet prepared of
3 renovations to the City Annex to turn the City Annex into
4 a court facility are not the schematic design that is
5 referred to in this letter?

6 MR. JUHASZ: Objection.

7 A Right. It is not referred to in that
8 letter.

9 Q Okay. It's another schematic design;
10 correct?

11 MR. JUHASZ: Objection.

12 Q A schematic design based upon the City
13 of Youngstown's selection of the former Masters building;
14 correct?

15 MR. JUHASZ: Objection.

16 A They're two different sites, yes.

17 Q All right. And this letter is
18 authorizing Mr. Jaminet to proceed with doing the
19 schematic design for the Masters Block; correct?

20 MR. JUHASZ: Objection.

21 A Yes.

22 Q Has Mr. Jaminet completed a schematic
23 design for a new court facility at the Masters Block site?

24 MR. JUHASZ: Objection.

- 1 Q To your knowledge?
- 2 A Yes.
- 3 Q Have you seen it?
- 4 A Yes.
- 5 Q Okay.
- 6 A By schematic design, do you mean
- 7 drawings?
- 8 Q Uh-huh.
- 9 A Yes, I've seen it.
- 10 Q Okay. Can we agree, then, that he
- 11 completed Section 4 of his contract with the City?
- 12 MR. JUHASZ: Objection. Is that the end
- 13 of your question?
- 14 MS. GUGLUCELLO: Yeah.
- 15 MR. JUHASZ: Objection.
- 16 Q Section 4 of Exhibit A?
- 17 MR. JUHASZ: Objection.
- 18 A This is Exhibit E.
- 19 Q I'm sorry.
- 20 A This is Exhibit E.
- 21 Q Exhibit A attached to Exhibit E?
- 22 A Section 4 of Exhibit A attached to
- 23 Exhibit E?
- 24 Q Exhibit E, yes.

1 MR. JUHASZ: Objection.

2 A I guess he would have, then, yes.

3 Q Okay. Thank you. I don't know whose
4 copy that is. Is that mine, yours?

5 A I haven't gotten to mine yet. These are
6 yours.

7 Q Has Mr. Jaminet completed a schematic
8 drawing of renovations to the City's Annex building for
9 use as a Municipal Court facility?

10 A Yes.

11 Q Do you know who requested that he do so?

12 MR. JUHASZ: Objection.

13 A I would imagine Judge Douglas.

14 Q Do you know when --

15 A No.

16 Q -- it was requested that he do so?

17 A Huh-uh.

18 MR. JUHASZ: Objection.

19 Q When was the first time you saw the
20 schematic drawings of the Annex building renovations done
21 by Mr. Jaminet?

22 A I don't know.

23 Q To your knowledge, okay, were those --
24 that schematic drawing ever submitted to Council?

1 MR. JUHASZ: Objection.

2 Q City Council?

3 MR. JUHASZ: Objection.

4 A You'd really have to ask Judge Douglas
5 that. I don't know.

6 Q Okay. Do you know if that schematic
7 drawing was ever submitted to the Mayor --

8 MR. JUHASZ: Objection.

9 Q -- of the City of Youngstown?

10 MR. JUHASZ: Objection.

11 A I would imagine so, but I don't know.

12 Q Do you know if that schematic drawing
13 was ever submitted to Mr. Conglose?

14 MR. JUHASZ: Objection.

15 A I know from talking with Judge Douglas
16 that Mr. Conglose was actively involved in this project
17 while he worked here. So I would assume that he has seen
18 these, although I don't know.

19 Q Well, Mr. Conglose left his employ with
20 the City, do you remember when that was?

21 A I don't know.

22 Q Would you disagree with me that it was
23 in 2007?

24 A I would have no reason to disagree with

1 that.

2 Q Okay. So if the plans were not complete
3 by the time that Mr. Conglose left the City, he could not
4 have seen them; would you agree to that?

5 A No, I don't agree to that. He might
6 have seen them. I don't know that one way or the other.

7 Q Okay.

8 A He might have seen them outside of his
9 employment. I don't know that.

10 Q But he could not formally have been
11 presented with them as part of his being the public works
12 director of the City of Youngstown if they had not been
13 completed prior to his leaving?

14 A Obviously not.

15 MR. JUHASZ: Objection.

16 Q The schematic drawings that you saw that
17 Mr. Strollo did of the renovations to the Annex building,
18 were they dated?

19 A Since they go hand in hand with the
20 previous exhibit that you gave me, if there's a date on
21 there, there's a date on there.

22 Q Okay.

23 A Is there a date on there? There is a
24 date on here.

1 Q That's not Mr. Olsavsky. Oh, yes.

2 A Yes, there is. Actually, it is dated
3 July 27 of 2009 is this one, but there's a drawing one,
4 too, but I didn't bring that one.

5 (Whereupon Defendant's Exhibit L was marked.)

6 Q I'm handing you what's been marked as
7 Defendant's Exhibit -- I think we're Respondent's L.

8 A Okay.

9 Q Is that the schematic drawing that
10 you've seen that Mr. Jaminet completed of the renovations,
11 his proposed renovations to the Annex building to be used
12 as a court facility?

13 A Yeah, this is a black-and-white copy of
14 it.

15 Q Okay. And could we agree that there is
16 a date on there of July 27, 2009?

17 A Sure.

18 Q Okay. Do you remember having seen this
19 prior to July 27 of 2009?

20 A I don't know when I saw it, Iris.

21 Q Okay. So you don't remember having seen
22 it before July 27 of 2009?

23 MR. JUHASZ: Objection.

24 A I don't know when I saw it. I truly

1 don't know when I saw it.

2 Q So you don't remember?

3 MR. JUHASZ: Objection.

4 Q Is that accurate?

5 A Yeah, that's accurate.

6 Q Okay. Thank you. Now, take a look at

7 what's been previously marked as Defendant's Exhibit --

8 I'm going to show you what's been --

9 MS. GUGLUCELLO: I'm sorry, can we use
10 this copy? Do you trust that it's not been altered?

11 MR. JUHASZ: Yeah.

12 Q Showing you what's been previously
13 marked as Defendant's Exhibit --

14 A F.

15 Q -- F, have you seen that schematic
16 design before?

17 A I've never seen this front page.

18 Q Okay.

19 A But I have seen this, yes. The second
20 and third pages I have seen.

21 Q Okay. What does the front page consist
22 of? Because I'm not sure at this point.

23 A The front page is titled Proposed
24 Municipal Court Renovation, Youngstown, Ohio, October 23,

1 2008, by Strollo Architects.

2 Q Okay. And it really doesn't depict the
3 building, right, but we all know that it is the Annex?

4 A Yes.

5 Q You would agree to that, that that is
6 the Annex?

7 A I would agree to that.

8 Q Okay. When did you first see that?

9 A It would have been several weeks after
10 the one and only meeting that the Mayor attended in my
11 courtroom, wherein he presented me with a written document
12 entitled Draft by Strollo Architects. Whenever that was,
13 this came later.

14 Q Okay.

15 A Maybe about three weeks to a month
16 later.

17 Q Are you sure of that?

18 A No, I'm not positive of that, but I'm --
19 I'm relatively certain of it, that I did not have it
20 during the meeting, that all I had was the written
21 document.

22 Q And that you had never seen it before?

23 A I had not seen it before that, no.

24 Q You don't remember Mr. Farris providing

1 you with a copy of that or at least allowing you the
2 opportunity to see that before then?

3 A No, because I remember from that meeting
4 with the Mayor that that's what I was presented, and I
5 didn't even understand it without having a drawing, which
6 came later, to the best of my recollection, Iris.

7 MS. GUGLUCELLO: Would you mark this as
8 Defendant's Exhibit, I think we're on M, and this as
9 Defendant's Exhibit N.

10 (Whereupon Defendant's Exhibits M and N were marked.)

11 MR. JUHASZ: So the October 27, 2008,
12 11:18 a.m. --

13 MR. FARRIS: 11:18 is M, and 1:40 is N.

14 MR. JUHASZ: Thank you.

15 Q You've referred to the first memory you
16 have of seeing this schematic drawing and seeing Mr.
17 Strollo's -- I'm sorry, what did you say?

18 A Written draft.

19 Q -- written draft describing, you know,
20 what he thought should be done at the Annex building at a
21 meeting?

22 A Yes.

23 Q And when did that meeting take place?

24 A I don't know.

1 Q Was it the meeting that I attended?

2 A You did attend. I think Judge Milich
3 might have been there as well.

4 Q Okay. Would it surprise you if I said
5 that that meeting took place on March 25, 2009?

6 A No, it wouldn't surprise me at all. I
7 have no recollection of when it was.

8 Q I'm handing you what's been marked as
9 Defendant's Exhibit M.

10 A Okay.

11 Q Would you take a look at it? Do you
12 remember receiving that e-mail from Anthony Farris?

13 MR. JUHASZ: Objection.

14 Q Is it an e-mail?

15 MR. JUHASZ: Objection.

16 A It appears to be.

17 Q And what's the date of that e-mail?

18 MR. JUHASZ: Objection.

19 A October 27 of 2008.

20 Q Okay. And do you remember receiving
21 that e-mail?

22 MR. JUHASZ: Objection.

23 Q I'm sorry, who's it from?

24 MR. JUHASZ: Objection.

1 A It appears to be from Tony Farris to me,
2 copied to Judges Milich and Douglas.

3 Q Okay. And do you recognize it? Do you
4 remember receiving it?

5 MR. JUHASZ: Objection.

6 A No, I don't. What was the attachment?

7 Q What does it say it was?

8 A A YMC building analysis PDF. That
9 doesn't help me.

10 Q Can I see the report since I'm using the
11 same thing? Doesn't it say, "Attached please find an
12 analysis of the suitability of the City Hall Annex
13 Building for the Youngstown Municipal Court. The report
14 was prepared by Strollo Architects"?

15 A So is that the draft?

16 Q I --

17 A I don't recall.

18 Q You don't recall?

19 A Huh-uh.

20 Q Okay. Now, I'm showing you what's been
21 marked as Defendant's Exhibit N.

22 A Okay.

23 Q And that's a series of e-mails and
24 responses to e-mails; correct?

1 A Uh-huh.

2 Q And is the first e-mail from Mr. Farris?

3 A Yes.

4 Q Addressed to you?

5 A Yes.

6 Q And what's the date?

7 A First one is October 27.

8 Q Okay.

9 A And it goes -- well, it's all October
10 27.

11 Q Okay. And how does it go?

12 MR. JUHASZ: Objection.

13 A Well, the first one is your original
14 that I didn't recall seeing. Oh, no, wait, this isn't
15 that. This is a different one. "Attached please find an
16 analysis of the suitability of the City Hall Annex
17 Building. The report was prepared by Strollo Architects.
18 Please review and provide your feedback."

19 Q Okay. That is, is it not, the same
20 message that's contained in M, merely M has no response
21 yet?

22 MR. JUHASZ: Objection.

23 A Well, no, it's not -- it doesn't have an
24 attachment, so this one didn't have an attachment. That

1 one does.

2 Q Are you familiar with the way e-mail
3 works, that if you --

4 A Yeah, sure.

5 Q -- send it with the attachment, it's got
6 the attachment, but if somebody responds, it prints what
7 the response is to but doesn't include the attachment?

8 A Really?

9 Q Yeah.

10 A Oh, okay.

11 MR. JUHASZ: Objection.

12 A Well, then that explains it. I didn't
13 know that.

14 Q Just found that out myself the other
15 day.

16 A I came into the computer age kicking and
17 screaming.

18 Q I did too.

19 A According to this, Tony and I had some
20 e-mails back and forth about whether or not there were
21 drawings that went with the draft.

22 Q Yes. And didn't he agree to provide the
23 drawings to you and meet with you?

24 A Yes, yes.

1 Q And you don't remember that happening?

2 MR. JUHASZ: Objection.

3 A Iris, unfortunately, I don't. I don't
4 dispute it, but --

5 Q It could have happened?

6 A Oh, it absolutely could have happened.

7 MR. JUHASZ: Objection.

8 A After ten years of going back and forth
9 on this, I can't remember all the different communications
10 we've had.

11 Q So it could have been that you were
12 informed of Mr. Strollo's proposed renovation of the Annex
13 building to make it into a court facility and that you
14 could have actually seen the plans as early as November of
15 2008?

16 MR. JUHASZ: Objection.

17 A I guess, Iris. I really don't recall.

18 Q Okay. But you do recall seeing them at
19 the meeting that you had with the Mayor and myself --

20 A Yes.

21 Q -- in March of 2009?

22 MR. JUHASZ: Objection.

23 A When the meeting was, I don't know, but
24 yes, at the meeting for sure, because I remember being

1 very annoyed.

2 Q So basically the City provided you with
3 a copy of Mr. Strollo's plans. The City will take the
4 position that it was in November, because they have
5 documentation that he did. You don't remember that, but
6 you do remember having received it at a meeting that we
7 had with the Mayor. Was that before or after the lawsuit
8 was filed?

9 MR. JUHASZ: Objection.

10 A The meeting with the Mayor had to have
11 been before the lawsuit was filed, because it's not been
12 filed for that great length of time.

13 Q And the lawsuit was filed in April, I
14 believe; is that correct?

15 A I don't know, Iris.

16 Q Okay. But it was before the lawsuit was
17 filed?

18 A That we had the meeting with the Mayor?

19 Q Yes.

20 A Yes.

21 Q And Mr. Jaminet's schematic drawing is
22 dated July 27, 2009, which was after the lawsuit was
23 filed; would that be correct?

24 A When was the lawsuit filed?

1 Q May 13.

2 A Of 2000 --

3 Q Nine.

4 A -- nine. And Mr. Jaminet's drawings --
5 this is dated July 27 of 2009, this particular set of
6 drawings. So this particular set of drawings is dated
7 after the lawsuit was filed, yes.

8 Q Okay. Thank you. You've complained,
9 haven't you, to various people, myself included, that the
10 City did not ever let you know why they hired Strollo,
11 that Strollo was hired, that he had developed plans?

12 MR. JUHASZ: Objection.

13 A I have complained about what Strollo has
14 done as long as I can remember.

15 Q Could you answer the question I asked?
16 You've complained about not being informed by the City of
17 the fact that Mr. Strollo had drawn up plans?

18 MR. JUHASZ: Objection.

19 A No. Whether the City informed me or not
20 is of little consequence. I have complained about what
21 Strollo has done and the manner in which he's done it and
22 the manner in which he was asked to do it. Whether I knew
23 about when he was hired or how he was hired, I don't care
24 about that.

1 Q Do you know whether or not Judge Douglas
2 agreed to Mr. Strollo's being asked to do what Mr. Strollo
3 did?

4 MR. JUHASZ: Objection.

5 A I don't know that.

6 Q Okay. Would it change your mind and
7 your feelings toward the administration if it came to be
8 that you were shown that Judge Douglas was aware of it and
9 agreed to it?

10 MR. JUHASZ: Objection.

11 A Would it change my feelings as to what
12 Strollo has done, no.

13 Q Okay. Do you know whether or not Mr.
14 Strollo ever attempted to meet with any of the Judges to
15 discuss their needs as to new court facilities?

16 MR. JUHASZ: Objection.

17 A I know he's never met with me.

18 Q Has he ever asked to meet with you?

19 A No.

20 Q Do you know whether he's ever asked to
21 meet with any of the other Judges?

22 A No.

23 MR. JUHASZ: Objection.

24 Q Are you aware that I requested that

1 Judge Douglas provide me, as law director in the
2 administration, with a copy of the needs assessment that
3 Mr. Jaminet had done for the court facilities prior to Mr.
4 Strollo completing his schematic design?

5 MR. JUHASZ: Objection.

6 A No, I'm not aware of that.

7 Q Okay. Let's go back. On January 2009,
8 you and the Judges, the other two Judges of the Municipal
9 Court, entered an order.

10 A Uh-huh.

11 Q Is that correct?

12 A That's correct.

13 Q And the order ordered the Mayor and the
14 Council of the City of Youngstown to provide the Municipal
15 Judges with suitable court facilities; is that correct?

16 A That's correct.

17 Q Okay. A copy of that order was Exhibit

18 A?

19 MR. JUHASZ: A.

20 Q I'm showing you what's previously been
21 admitted as Exhibit A.

22 A Okay.

23 Q Just take a quick look at it.

24 A That's the order.

1 Q Okay. You recognize it?

2 A Sure.

3 Q Can we agree that a part of that order
4 outlines the Supreme Court guidelines for -- or Supreme
5 Court Facility Standards?

6 A Yes, it's attached as -- Exhibit D is
7 attached, yes.

8 Q Okay. It's also referred to in the
9 order, isn't it, like the first couple pages, starting
10 on -- starting on Page 3, second paragraph from the
11 bottom, where it says, "First, in order to maintain
12 suitable --"

13 A Uh-huh.

14 Q That basically mirrors, doesn't it --
15 are you familiar with the Supreme Court Court Facility
16 Standards?

17 A Yes.

18 Q Okay. And that pretty much mirrors
19 them, doesn't it?

20 A Paragraph labeled First, yes.

21 Q And Second?

22 A Yeah, pretty much. I think it pretty
23 much goes through the whole rule.

24 Q Okay.

1 A Yeah.

2 Q I have a copy of the rules here.

3 (Whereupon Defendant's Exhibit O was marked.)

4 Q Can we agree that what's been marked as
5 Exhibit O is an accurate copy of the Supreme Court Court
6 Facility Standards?

7 A It appears to be.

8 Q Okay. That's what I'd forgotten that I
9 wanted a stipulation on before we started, but since I
10 forgot --

11 A It appears to be.

12 Q Thank you.

13 MS. GUGLUCELLO: Would you mark this as
14 Defendant's Exhibit P, are we on?

15 (Whereupon Defendant's Exhibit P was marked.)

16 Q I'm showing you what's been marked as
17 Defendant's Exhibit P. And I am hoping that we can reach
18 an agreement as to the fact that those are the Supreme
19 Court Security Standards for Court Facilities?

20 A They appear to be, yes.

21 Q Okay. And could you turn to Page 9 of
22 those Security -- are you familiar with the Court Security
23 Standards?

24 A I am.

1 Q Can you turn to Page 9 of the Ohio Court
2 Security Standards?

3 A I'm already there.

4 Q Okay. Can we agree that really those
5 are the only standards in the Ohio Court Security
6 Standards that address building facilities in terms of
7 construction, other than putting in security cameras and
8 putting in soundproofing and things like that?

9 MR. JUHASZ: Objection.

10 Q That those are the only standards that
11 refer to the layout of the facility?

12 MR. JUHASZ: Objection.

13 A No, I wouldn't agree with that. This is
14 the only -- this is the only standard that deals with
15 prisoner transport. It doesn't have anything to do with
16 layout of the facility.

17 Q Okay. Fine.

18 MS. GUGLUCELLO: Would you mark this as
19 Defendant's Exhibit Q?

20 (Whereupon Defendant's Exhibit Q was marked.)

21 Q I've handed you Exhibit Q. Can we agree
22 that those are the Ohio Trial Court Jury Use and
23 Management Standards, as promulgated by the Supreme Court?

24 A That's what it's entitled.

1 Q Okay. If you want to review it?

2 A Okay.

3 MS. GUGLUCELLO: Okay. Can we take a
4 break very quick?

5 MR. JUHASZ: Sure.

6 (A recess was taken)

7 Q So I've handed you, I think, Defense
8 Exhibits P, Q and R?

9 A P, Q and O.

10 Q O, P and Q, which are the Supreme
11 Court's Facility Standards we've established, the Supreme
12 Court's Jury Use and Management Standards, and the Supreme
13 Court's Ohio Court Security Standards; correct?

14 A Yeah.

15 Q And you're somewhat familiar with those?

16 A I'm familiar with O and P. I'm not
17 really familiar with Q.

18 Q Okay. Which is Q, because I've
19 forgotten at this point?

20 A Q is the Trial Court Jury Use and
21 Management Standards from 1993. I have just not read
22 through these as frequently as the first two.

23 Q Okay. Let's turn to Page 17 of that
24 one, of the Jury Standards. It deals with -- it's labeled

1 Jury Facilities?

2 A Yes.

3 Q Okay. And it addresses certain things
4 that you need to provide by way of facilities for a jury?

5 A Yes.

6 Q We can agree to that?

7 A Yes.

8 Q Okay. Would you agree that the
9 standards -- that all of the standards outlined in these
10 three exhibits are not necessarily mandatory?

11 A Well, I don't necessarily agree with
12 that, because the standards set forth in O, although they
13 use the word should, are part of the Rules of
14 Superintendence which we are all obligated to follow, so I
15 don't know that I can agree with that statement that they
16 are not mandatory.

17 Q Okay. But you have some hesitancy
18 there, because the word should is used instead of shall;
19 correct?

20 A Yes.

21 MS. GUGLUCELLO: Okay. Would you mark
22 this as Exhibit R?

23 (Whereupon Defendant's Exhibits R and S were marked.)

24 Q Look at the highlighted portions of

1 those cases.

2 A Of R and S?

3 Q Yes. And we'll address one at a time
4 when you get done.

5 A Okay.

6 Q Which one is the first one?

7 A This State ex rel. Taylor is R, and
8 Hillyer is S.

9 Q Okay. Referring to Exhibit R, okay?

10 A Yes.

11 Q Is that a report of a decision of the
12 Supreme Court of Ohio?

13 A From 1982, yes.

14 Q Okay. And what is the caption of the
15 case, just for identification purposes?

16 A State, ex rel. Taylor vs. City of
17 Delaware.

18 Q Okay. Can you turn to Page 2 of that
19 report, okay, and the one, two, third paragraph from the
20 top in the second column; okay?

21 A Uh-huh.

22 Q "In their answer, respondents indicate
23 that they are willing to comply with the provisions of
24 Supreme Court Rule 17 including those standards which are

1 suggested as desirable, but not mandatory. This court,
2 pursuant to the superintending powers over all courts in
3 the state granted in Section 5, Article IV, of the
4 Constitution of Ohio in 1968, adopted Supreme Court Rule
5 17 in 1975. That rule is intended to provide basic
6 guidelines for facilities of municipal and county courts.
7 Although not all of the provisions of the rule are
8 mandatory in character, the standards set forth in the
9 rule should be taken into consideration in measuring the
10 adequacy of existing court facilities and in the planning
11 of new facilities," okay.

12 Would you agree with me that that statement by the
13 Ohio Supreme Court states that although not all of the
14 provisions of the rule are mandatory in character?

15 A That's what --

16 MR. JUHASZ: Objection.

17 A -- the Supreme Court said in '82. I
18 agree with that.

19 Q Okay. Now, let's take a look at Exhibit
20 S. Would you agree with me that that is an Ohio State --

21 A Yes.

22 Q -- Ohio Supreme Court report?

23 A Yes.

24 Q And what is the name of that case?

1 A State ex rel. Hillyer versus Tuscarawas
2 County Board of Commissioners, decided in 1994.

3 Q And could you read the portions of that
4 exhibit that are highlighted?

5 A Uh-huh.

6 MR. JUHASZ: Well, objection in general,
7 but also, so I know where she's reading, because mine's
8 not highlighted.

9 Q Okay. What portion of that exhibit is
10 highlighted, what page?

11 A The last one. Actually, Page 7, I'm
12 sorry.

13 Q Page 7?

14 A Page 7 under Suitable Court Facilities,
15 it's highlighted midway down, starting with the word
16 However.

17 Q Would you read that section that's
18 highlighted?

19 MR. JUHASZ: Objection. Go ahead.

20 A Out loud or silently?

21 Q Out loud.

22 MR. JUHASZ: Objection.

23 A "However, in interpreting an analogous
24 duty on the part of the legislative authorities of

1 municipalities to provide suitable accommodations for
2 municipal courts, the court has noted that Superintendence
3 Rule 17 is intended to provide basic guidelines for
4 facilities of municipal and county courts." They cite
5 State ex rel. Taylor vs. Delaware. "Therefore, although
6 not all of the provisions of the rule are mandatory in
7 character, the standards set forth in the rule should be
8 taken into consideration in measuring the adequacy of
9 existing court facilities."

10 Q Now, can we agree that, number one,
11 again, number one, that the Rules of Superintendence of
12 the Supreme Court as to the standards for court facilities
13 are not all mandatory?

14 MR. JUHASZ: Objection.

15 A No, and you want to know why?

16 Q Why?

17 A Because at one of the most recent
18 seminars I went to, one of the judicial seminars that I
19 went to, they discussed the Rules of Superintendence and
20 how they are either changing -- either have changed or are
21 going to change immediately, whereby any Judges that do
22 not comply with the Rules of Superintendence risk
23 disciplinary action.

24 Q Okay.

1 A So I take that as meaning that the Rules
2 of Superintendence are mandatory and all the appendages or
3 exhibits that go along with it.

4 Q Despite what the Supreme Court has said?

5 A In earlier decisions, yes.

6 Q And do you know whether the Supreme
7 Court has ever reversed that decision?

8 A I don't know that. I don't know that.

9 Q Now, can we agree that the court says
10 that these Supreme Court guidelines are -- can we include
11 that the rule is intended to provide basic guidelines for
12 facilities?

13 MR. JUHASZ: Objection.

14 A What rule?

15 Q Supreme Court Rule of Superintendence
16 No. 17 that we've been discussing here.

17 MR. JUHASZ: Objection.

18 A And that is Exhibit -- now I'm all
19 confused.

20 MR. JUHASZ: R.

21 A I have Appendix D that we've been
22 discussing. Let me get rid of these cases for a minute.
23 What are you asking me to look at, Iris?

24 Q I'm not asking you to look at anything,

1 okay.

2 A Okay.

3 Q Can we agree that the Supreme Court
4 standards for court facilities, okay, are intended to
5 provide basic guidelines for facilities of municipal and
6 county courts?

7 MR. JUHASZ: Objection.

8 A I guess that was -- yes, I would agree
9 with that.

10 Q Okay. And could we agree that the
11 standards set forth, okay, should be taken into
12 consideration in measuring the adequacy of existing court
13 facilities and in the planning of new facilities?

14 A I can agree with that.

15 Q I'm not asking you whether the Supreme
16 Court said it. I'm asking can we agree that that is --

17 A That that is a goal that we should
18 aspire to, sure.

19 Q Yes, okay. Thank you. Just assuming,
20 okay, for argument's sake, because I am a lawyer, and I
21 would cite these cases, and I would argue that the rules
22 of -- for court facilities are not intractable, all of
23 them, that they're not all mandatory, and that they are to
24 provide guidance, but that there's some flexibility in

1 there, okay. Just assume that.

2 A Okay.

3 Q Can we assume that?

4 A Okay.

5 Q If there is flexibility, would you agree
6 that it is reasonable that the historical use of
7 facilities by a court be taken into consideration in
8 determining which standards should be literally applied
9 and which should be adapted to meet the court's needs?
10 And if you want me to repeat that, I will, because I have
11 it written down.

12 A Please.

13 Q Okay. Would you agree, all right -- and
14 this is assuming that there is some flexibility in the
15 standards.

16 A Okay.

17 Q Okay. Would you agree that it is
18 reasonable that the historical use of the court facility
19 be taken into consideration in determining which standards
20 should be literally applied and which can be adapted to
21 meet the needs of the specific court?

22 A Assuming that there is some wiggle room,
23 I could agree with that.

24 Q Okay. So would you agree -- well, take

1 as an example, okay, although the standards -- do you
2 understand that the standards say that there shall be a
3 library provided for the Municipal Judges?

4 A Which standards?

5 Q Would you agree? The Court Facility
6 Standards.

7 A Yeah, I would imagine they would provide
8 for a library, yes.

9 Q Okay.

10 A Does it say shall or should, I don't
11 know. I don't recall.

12 Q I think it says shall.

13 A Okay.

14 Q Would you agree that a library, in this
15 day and time where there's so much electronic research
16 available through programs like Westlaw and through other
17 programs, need not necessarily stand alone, that you could
18 have a conference room with a computer to access Westlaw
19 or other research engines and that you could have a double
20 function to a room to be used as a conference room and a
21 library?

22 MR. JUHASZ: Objection. You can answer.

23 A As long as there's no conflicts in time
24 or conditions of use, no, I think it would be perfectly

1 suitable.

2 Q Yeah, especially if the historical use
3 by that particular court shows that it's -- you know, the
4 Judges don't really have a need to use a library all that
5 often because they haven't been using one that has been
6 available to them; correct?

7 MR. JUHASZ: Objection.

8 A I don't know who uses this library, and
9 I don't know when it's available or how often it's
10 available, Iris, so I can't agree with you there.

11 Q Have you had a need to use this library
12 in the last few years? Because you told me you've never
13 even been up here and don't know what the books are.

14 A I didn't tell you that, Iris. I used to
15 work here. Stop it.

16 Q I'm sorry.

17 A I've never had occasion to ask to use
18 this library in the years that I've been a Judge; that is
19 correct. I find the Internet research to be a fabulous
20 tool, and I am a huge fan of it.

21 Q Okay. So it made sense. What I said
22 was reasonable, that times being what they are, you might
23 not need a separate library. You could combine a library
24 with a conference room, because most professional --

1 A Yes, I agree.

2 Q -- people have a computer at their desk?

3 A I agree.

4 Q All right. Thank you. Moving along,
5 would you agree that, based on the number of jury trials
6 that a court has and that the number of courtrooms that
7 may be needed at any one time or the number of jury rooms
8 that may be needed at any one time may differ between
9 courts?

10 MR. JUHASZ: Objection.

11 A No, I think that the courts always need
12 to have a jury room available, because you never know when
13 in each session your jury trial is going to go forward.

14 Q But if you're not having two jury trials
15 simultaneously, why do you need a jury room for each
16 court?

17 MR. JUHASZ: Objection.

18 A We only -- we don't have jury trials
19 simultaneously now because we can't, because we only have
20 one room, so we can't have simultaneous jury trials.
21 There's no way physically we could accommodate that.

22 Q But if you look at the historical use,
23 if you only have one Judge who tries 14 cases in a year
24 and the other two Judges try only one or two, isn't it

1 reasonable to look at the use of the facility for jury
2 trials and determine that one way of not wasting space is
3 just to schedule your trials so that they don't occur
4 simultaneously?

5 MR. JUHASZ: Objection.

6 A I don't agree with your comment about
7 wasting space at all. Right now we don't have the ability
8 to have jury trials at the same time. We never had, we
9 never will as long as we're stuck in this dungeon. We all
10 need to have a jury room, we're supposed to have a jury
11 room, and the standards require that we each have the
12 ability to have jury trials simultaneously. But right now
13 we can't do that.

14 Q Okay.

15 A Regardless of the number of jury trials
16 we each have, we still don't have the ability right now to
17 have them at the same time.

18 Q Okay.

19 A And we won't as long as we're in here.

20 Q All right. Would you agree that it is
21 reasonable to take into account the lack of financial
22 resources of a municipality in determining whether
23 nonmandatory standards should be complied with in a cost-
24 effective manner?

1 MR. JUHASZ: Objection.

2 A It's not my point to tell the
3 administration what to do with the City's money. It's not
4 my point to say to the Mayor whether or not he has a City-
5 owned vehicle. It's not my point to say to anybody or to
6 dictate to anybody how they spend their money, nor are
7 they obligated to justify to me what they do, and they
8 never have. So whether or not -- what the City spends
9 their money on is not a concern of mine at all. I can't
10 tell them to give the Mayor a free car, just as I can't
11 tell them to give us an adequate court facility.

12 Q Okay. So what are you saying, that you
13 don't agree that it's reasonable to take into account the
14 City's financial resources in determining whether or not
15 we can vary from these standards at all?

16 MR. JUHASZ: Objection.

17 A No, because I don't have any play in how
18 the City's finances got to where they are.

19 Q Okay. Yes or no?

20 A No.

21 Q Is it reasonable or --

22 A No, it is not.

23 Q -- or unreasonable?

24 A It is not reasonable for me to consider

1 that at all.

2 Q Thank you. Would you take a look at
3 Exhibit P, I believe it is?

4 A P, Security Standards is P.

5 Q No.

6 A These are my documents.

7 Q Exhibit R.

8 A Okay.

9 Q And this is a Supreme Court case, is it
10 not? We've already established that.

11 A Yes.

12 Q Okay. Would you look at Page 3 of that
13 Supreme Court case?

14 A Uh-huh.

15 MR. JUHASZ: Objection.

16 Q And the only paragraph in that report in
17 the first column of that page, could you read that
18 paragraph, please?

19 MR. JUHASZ: Objection.

20 A To myself or out loud?

21 Q Out loud.

22 A "In holding that the writ of mandamus
23 should be allowed in this case, this court is not
24 unmindful of the present financial problems being

1 experienced by political subdivisions in the state. Of
2 necessity, those problems must be taken into account by
3 both relator and respondents in satisfying the mandatory
4 obligations imposed by Revised Code Section 1901.36."

5 Q Thank you.

6 A You're welcome.

7 MR. JUHASZ: I'll move to strike that.
8 Did you seriously just impeach her with the Ohio Supreme
9 Court?

10 MS. GUGLUCELLO: Yes.

11 MR. JUHASZ: And you think you can do
12 that under the Rules?

13 MS. GUGLUCELLO: You can move to strike.

14 MR. JUHASZ: I do.

15 Q Now, you've indicated that you're
16 familiar with the facility standards; correct?

17 A Yes.

18 Q You're familiar with the standards?

19 A Yes.

20 Q Okay. Do the standards currently
21 provide for a lounge for employees?

22 MR. JUHASZ: Objection.

23 A The Court Security Standards?

24 Q No, the Court Facility Standards.

1 MR. JUHASZ: Objection.

2 A It doesn't appear to.

3 Q Do the standards currently provide for
4 number of elevators in a court facility?

5 MR. JUHASZ: Objection.

6 A Of course not.

7 Q Do the standards prescribe that Judges
8 and prisoners must use separate elevators?

9 MR. JUHASZ: Objection.

10 A Worded as such, no.

11 Q Okay.

12 A There's no rule that says Judges and
13 prisoners must use separate elevators.

14 Q Okay. Is there any rule that says that
15 the Judges and the public must use separate elevators?

16 MR. JUHASZ: Objection.

17 A There is no rule that states as such.

18 Q Okay. Do the standards require covered
19 parking garages for the Judges?

20 MR. JUHASZ: Objection.

21 A Not worded as such.

22 Q When you say not worded as such, do you
23 read a standard as requiring covered parking for Judges?
24 Tell me what you mean by that, because I'm not

1 understanding.

2 MR. JUHASZ: Objection.

3 A What the court standards do is attempt
4 to ensure the safety of the Judges, the participants, the
5 prisoners, the witnesses, the victims who are entering or
6 participating in any litigation in any court facility.

7 Q Okay.

8 A So Standard 12 requires each court to
9 adopt procedures for the personal safety of the Judges and
10 court personnel at locations outside the court facility.
11 Parking outside the court facility is something that I
12 think falls under Standard 12.

13 Q Are you familiar with area courts --
14 with other courts in this area?

15 MR. JUHASZ: Objection.

16 A I certainly am.

17 Q Other municipal courts?

18 A I certainly am.

19 MR. JUHASZ: Objection.

20 Q Does Campbell Municipal Court have
21 covered parking for its municipal Judge?

22 MR. JUHASZ: Objection.

23 A I don't know where anybody parks in
24 Campbell.

1 Q Okay. Does Struthers Municipal Court
2 have covered parking for its municipal Judge?

3 MR. JUHASZ: Objection.

4 A I don't think any of the buildings that
5 are 50-plus years old have covered parking for their
6 Judges. It's only the new, modern ones that do.

7 Q Do you know how old the new Girard
8 Municipal Court is?

9 A No, I don't.

10 Q Can we agree it's not 50 years old?

11 A I can agree with that.

12 Q Can we agree it's probably not even ten
13 years old?

14 A I agree with that.

15 Q Does Girard Municipal Court have covered
16 parking --

17 A I don't know.

18 Q -- for its Judge?

19 MR. JUHASZ: Objection.

20 A I've never been there.

21 Q Does Niles Municipal Court have covered
22 parking for its Judge?

23 MR. JUHASZ: Objection.

24 A I've never been there. I don't know.

1 Q Do you know when Niles Court was built?
2 Is it 50 years old?

3 A It's certainly not new, but I don't
4 know.

5 Q Does the Common Pleas Court in Mahoning
6 County have covered parking for its Judges?

7 MR. JUHASZ: Objection.

8 A And, again, I bet you they wish they had
9 it, but no, they don't.

10 Q Does the Warren Common Pleas Court have
11 covered parking for its Judges?

12 MR. JUHASZ: Objection.

13 A Again, you're asking about all these
14 buildings that are 50-plus years old. The modern security
15 standards --

16 Q I'm just -- I haven't asked you about
17 the modern security standards. I've asked you if you know
18 whether these courts --

19 A I know, and I know you're not going to
20 go there, Iris, and that's fine. I don't -- no, I don't
21 believe in any of these older courthouses they do.

22 Q Okay. Thank you.

23 A Does the brand new 7th District Court of
24 Appeals have underground parking? You bet you.

1 MS. GUGLUCELLO: Can we strike that?
2 There was no question asked.

3 Q We referred to the schematic design
4 prepared by Mr. Strollo of renovations to the City Annex
5 building, and it's been marked as an exhibit.

6 A Yes.

7 Q And you have a copy there of it?

8 A Yes.

9 Q Okay. And although you don't remember
10 receiving it in October of 2008, you do remember receiving
11 it before this lawsuit was filed?

12 A Yeah, I have to agree with that.

13 Q Okay. And you've had some opportunity
14 to peruse that?

15 A I have.

16 Q Would you agree with me that that
17 schematic design meets all of the court facility standards
18 enunciated in the Court Facility Standards?

19 MR. JUHASZ: Objection.

20 A Not even close.

21 Q What specifically does not?

22 A I thought you'd never ask. Okay. By
23 definition, it doesn't, because in Mr. Strollo's draft
24 that I don't believe you have marked as an exhibit, it

1 states that its purpose is not to comply with the
2 standards. However, it substantively complies with the
3 intent of the standards, whatever that means. So these
4 plans by their very definition don't comply. But even if
5 you don't believe that, I'd be happy to point them all out
6 to you. The Strollo design has for outside transport of
7 the prisoners from the jail van into the building. That
8 is in direct violation of Standard 8 of the Court Security
9 Standards.

10 Q Standard 8 being the standard that you
11 read a little while ago about safety?

12 A Prisoners should be transported to and
13 within a court facility through areas that are not
14 accessible to the public. There is no modern court
15 facility that you're ever going to find that has prisoners
16 dropped off outside of a building instead of within a
17 Sally Court, which is in the Jaminet design. So that
18 would be number one.

19 Q Let me ask you something.

20 A Can I finish your question first? You
21 asked me to point out all the different things.

22 Q Sure.

23 MR. JUHASZ: Yes, you did.

24 A Okay. So the fact that there isn't a

1 Sally Court violates Standard 8. The no private parking
2 for Judges I believe violates Standard 12, because there's
3 no way to protect our safety outside of the court facility
4 without the parking inside the building. The Judges and
5 prisoners using the same elevator violates Standard 8.
6 Again, prisoners should be transported into and within a
7 court facility through areas that are not accessible to
8 the public. I would imagine Judges are part of the
9 public, and they shouldn't be on the same elevator with
10 prisoners.

11 The Judge/prisoner elevator door in the Strollo
12 design opens up right into a Judge's office, which I
13 believe again is another violation of Standard 8. The
14 prisoner holding area is right outside of the Judge's
15 office, which I believe is a violation of Standard 13,
16 which provides for the structural design of the court
17 facilities and consideration given to circulation
18 patterns. No consideration in the Strollo design is given
19 to using the mezzanine floor, which is a violation of
20 Standard 13. No sizes of anything --

21 Q Now, what is Standard 13?

22 A Which I just read, structural design of
23 court facilities and courtrooms. When designing new or
24 remodeling old court facilities, consideration should be

1 given to circulation patterns that govern the movement of
2 people to, from, and in the courtroom. Judges, juries,
3 court personnel and prisoners should have routes to and
4 from the courtroom separate from public routes.

5 Q How does having the mezzanine area not
6 part of the court violate that particular standard?

7 A Because no consideration was given of
8 the mezzanine floor to circulation patterns of people
9 using the court facility. The mezzanine floor wasn't
10 permitted to be considered by Mr. Strollo. He wasn't
11 allowed. So he was only allowed to consider using Floors
12 1 and 3.

13 Q If you're using Floors 1 and 3 and you
14 establish a flow for the public and a flow for the
15 prisoners and a flow for the Judges, how does that impact
16 Floor 2, which you're not even using as part of the court
17 facility?

18 A We are seeking to use 2 as part of the
19 court facility for our administrative offices, which,
20 again, Mr. Strollo couldn't consider because he wasn't
21 allowed to.

22 Q All right.

23 A So he didn't consider circulation
24 patterns, because he only has Floors 1 and 3.

1 Q He has administrative offices in his
2 design, does he not?

3 A Yes, he does.

4 Q They're just not on the mezzanine floor;
5 correct?

6 A Because he wasn't allowed to consider
7 them, consider that floor. Again, this is one existing
8 building that we're talking about renovating, and he was
9 limited to Floors 1 and 3 by virtue of his own writing, so
10 he could not consider using the second floor because he
11 wasn't allowed to when considering the circulation
12 patterns of people, unlike what we did when we considered
13 using the entire facility.

14 The courtroom, the big courtroom has no conference
15 rooms like the other two. I could go on and on and on,
16 but let me see which ones just deal with the standards, as
17 opposed to what he would have provided had he spent one
18 minute to talk with us. Let's see here. The one storage
19 area for the entire court is as small as a Judge's
20 chamber, which is in violation of Appendix D, Paragraph I.

21 Q There is, though, some -- in his
22 drawing, there is some unprogrammed space --

23 A I see that.

24 Q -- that could be used for storage if

1 need be?

2 A I'm not an architect. I don't know what
3 he did. I'm just -- you asked me to talk about his
4 drawing, and that's what I'm doing. The jury assembly
5 room doubles as a hearing room. We're supposed to have
6 comfortable chairs, tables, reading materials, telephones,
7 televisions, perhaps, yet he expects us to use that same
8 room as a hearing room where the bench is supposed to be
9 elevated, witness chairs are supposed to be elevated, et
10 cetera, et cetera.

11 MS. GUGLUCELLO: I'm sorry, I didn't get
12 that last part. Could you read that back to me?

13 (Whereupon the record was read as requested.)

14 Q Who's we, we are supposed to?

15 A Judges, Judges or a Magistrate.

16 MS. GUGLUCELLO: Could you read that
17 back again?

18 (Whereupon the record was read as requested.)

19 Q What are you referring to there?

20 A The jury assembly area.

21 Q The jury assembly area?

22 A Right, jury assembly area/hearing room.
23 Can't have both in one room. It's impossible.

24 Q Okay. So in the times that you don't

1 have a jury convened and there aren't jurors in that room,
2 it could not be used as a hearing room?

3 A What courtroom have you ever gone in
4 that has --

5 Q Oh, please.

6 A -- that has televisions, that has
7 comfortable chairs, that has end tables, that has reading
8 materials, that has a telephone, that has maybe a pop
9 machine? What courtroom have you ever been in that has
10 all of these amenities that we have to provide for our
11 jurors? How can you possibly use a jury room as a hearing
12 room?

13 Q Okay. Anything else?

14 A Oh, I've got plenty.

15 Q Can we have a copy of that list, by the
16 way?

17 A Sure.

18 Q Thank you.

19 A Let's see here. The chief bailiff's
20 office needs to be adjacent to the service bailiff's
21 office and also to the jury service -- the jury assembly
22 room, because our chief bailiff is the boss of the service
23 bailiffs and also our jury commissioner. And it's not
24 because he didn't know that that's what these people do.

1 The jury bailiff's office is probably too small to
2 accommodate three people, because it's just this little,
3 itty, bitty room here.

4 The assignment office is probably too small to
5 accommodate two windows to deal with the public and also
6 private work space. The waiting area at the entrance to
7 the Probation Department needs to be big enough to seat 12
8 people, and it's not. The waiting area at the entrance to
9 the Probation Department must adjoin the intake officer's
10 office with a glass separation window akin to a doctor's
11 office window, and it does not.

12 There's a stairway on the top left corner of the
13 first floor, which I really don't understand, and that is
14 this. There's a stairway right here. I don't know where
15 it goes, because up here on the second floor, which is
16 actually the third floor, there is a mechanic's electric
17 room, which I don't know what that is either. Plus this
18 gold indicates that it's a secure area, so where does the
19 stairway go?

20 Okay. Steno offices with a waiting area and
21 secretary space are provided. Again, had Mr. Strollo
22 spent five minutes with us, he would know that we don't
23 have stenos, we don't have a court reporter anymore on a
24 regular basis, and the court reporter certainly doesn't

1 have a secretary. The prosecutor's office for five
2 prosecutors is way too small. They have three little
3 conference rooms designated here, when there are actually
4 five prosecutors. There is a copy room provided here
5 somewhere, and I'm hoping that Mr. Strollo can tell me
6 what that is, because I don't know what a copy room is.

7 Q Well, have you ever talked to Mr.
8 Strollo about this?

9 A Wait. I'm not done yet.

10 Q Oh, I'm sorry.

11 A The Magistrate is handicapped. Our
12 Magistrate walks on -- on the arm crutches. He's assisted
13 daily by our assignment office and our chief bailiff,
14 because he doesn't have a secretary. So his office and
15 his courtroom has to be by Barb, because she provides so
16 much service for him. But, again, Mr. Strollo wouldn't
17 know that. The Magistrate has no secretary, so the
18 secretarial space here is wasted. The Magistrate doesn't
19 even have a parking spot on this drawing, let alone a
20 handicapped accessible or secure parking spot. He just
21 doesn't have one at all.

22 Let's see here. The storage area I've already
23 covered. And there is no Violations Bureau spelled out
24 anywhere, much less near a doorway. So these are the

1 major issues that I have with the designs, plus, by very
2 definition by Mr. Strollo, these things are not fully
3 compliant with the rules, as is the Jaminet plan.

4 Q Okay. Let me ask you this. Are you
5 aware that the use of all four floors in this Annex
6 building would double the amount of space that Mr. Jaminet
7 planned for when he drew his schematic drawings of the
8 Masters building?

9 MR. JUHASZ: Objection. Are you
10 testifying?

11 MS. GUGLUCELLO: I said are you aware.

12 MR. JUHASZ: Objection. Are you aware?

13 A No.

14 Q Do you know how many square feet there
15 were going to be in -- the court facilities were going to
16 consist of in the Masters project?

17 A No.

18 Q Okay. Do you know how many square feet
19 are encompassed in the four floors of the Annex building?

20 A No.

21 Q Do you know how many square feet are
22 encompassed in Mr. Strollo's design?

23 A No.

24 Q Do you know how many square feet are

1 encompassed in Mr. Jaminet's design?

2 A No.

3 Q Okay. If Mr. Strollo's design could be
4 redesigned to include the space and the concerns that you
5 have, would you be agreeable to that?

6 A No.

7 Q Okay.

8 A Why would we, when we have a plan
9 already that perfectly suits us and fully complies with
10 all of the standards that we have? Plus, Mr. Strollo
11 wasn't hired to do that. Perhaps if he were hired to do
12 that, he could come up with something.

13 Q Neither was Mr. Jaminet.

14 A I guess I could rephrase that. Had he
15 worked with us, maybe he could come up with something
16 better, but he hasn't, nor was he hired to, so I don't
17 blame him.

18 Q And you refused to work with him when he
19 asked?

20 A I didn't refuse to work with him at all.
21 He wasn't hired to work with me, and he's never asked to
22 work with me, so I have not refused anything. As a matter
23 of fact, I was shocked that he was even brought in on
24 this. But, again, I see that he was brought in to review

1 the plans that were already done. I understand that. He
2 wasn't brought in to provide us with a facility and work
3 with us and provide that which we need. I understand
4 that's not what he was hired for.

5 Q Well, to review what plans is it your
6 understanding he was hired for?

7 A Well, in the draft that he gave us at
8 the meeting with the Mayor, he was hired -- our directive
9 was and is to provide a second opinion, suggestions, and a
10 review of the effort, which to date has not yet developed
11 an alternative that was deemed financially feasible to the
12 City. So he was asked for a second opinion.

13 Q Okay. And was he not working with Mr.
14 Strollo to --

15 A Who not working with Mr. Strollo?

16 Q Mr. -- I'm sorry, with Mr. Jaminet?

17 A Mr. Strollo did whatever Mr. Strollo
18 did. I can't speak for that one way or the other.

19 Q Okay. Is there some reason why you
20 could not have made the City aware of your objections to
21 Mr. Strollo's plan earlier than this?

22 MR. JUHASZ: Objection.

23 A I did at the meeting with the Mayor when
24 I told him that the thing was a joke.

1 Q Okay. I was at that meeting.

2 A Right. And it ended rather abruptly, as
3 I recall.

4 Q Yes.

5 A Yes, it did.

6 Q I would agree with that. And what I'm
7 asking is -- or my question to you is, do you recall
8 reviewing those plans with the Mayor at that meeting?

9 MR. JUHASZ: Objection. You can answer.

10 Q Or even discussing those plans with the
11 Mayor at that meeting?

12 MR. JUHASZ: Objection. You can answer.

13 A No.

14 Q Okay.

15 A There has been no discussion of what was
16 attempted to be forced down our throats by the Mayor,
17 because it doesn't comply with anything, and in my view
18 never was supposed to comply with anything, is not a valid
19 proposal, never was a valid proposal, because it, by
20 definition, is only a draft of something that was already
21 done by Mr. Jaminet to review it and try to do it on the
22 cheap. So --

23 Q And that is what you informed the Mayor
24 when we had that meeting; correct?

1 A I don't recall specifically what was
2 discussed, but I know that I conveyed to the Mayor that
3 what Mr. -- what the Mayor had given to me, which is Mr.
4 Strollo's draft, was, in my opinion, unacceptable.

5 Q Okay. Did you say that you were
6 insulted by it?

7 A Oh, I'm sure I did.

8 Q Okay. So there was no discussion of the
9 plan and its attributes or lack of attributes, was there?

10 MR. JUHASZ: Objection.

11 A Nor should there have been.

12 Q But there was --

13 A Because that's always been the problem,
14 Iris. We have had a plan from day one, and you know
15 this. And the Mayor keeps coming back with how can we
16 do this cheaply. And that's exactly what the Strollo
17 plan does.

18 Q Were those objections prepared by you
19 solely, or did Mr. Jaminet have some input into these?

20 A None. These are my observations and
21 mine alone.

22 Q Could we have a copy of them?

23 A I don't care.

24 MS. GUGLUCELLO: Okay. Thank you. I

1 have no more questions.

2 MR. JUHASZ: We'll read.

3 SIGNATURE NOT WAIVED

4 (The deposition was concluded at 3:15 p.m.)

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REPORTER'S CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct transcript of all the testimony introduced and proceedings had in the taking of the testimony in the above-entitled matter, as shown by my stenotype notes taken by me at the time said testimony was taken.

Debra M. Moore

Debra M. Moore
Registered Merit Reporter

SIGNATURE PAGE

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TO BE COMPLETED BY DEPONENT:

I, Judge Elizabeth A. Kobly, have read the foregoing pages of my testimony or have had the foregoing pages of my testimony read to me and have noted any changes in form or substance of my testimony together with their respective corrections and the reasons therefor on the following errata sheet(s).

(Signature) [Handwritten Signature]
(Date) 7/12/10

TO BE COMPLETED BY NOTARY PUBLIC:

I, Bonnie Maretich, a Notary Public in and for the State of Ohio, hereby acknowledge that the above-named deponent personally appeared before me, swore to the truth of the foregoing statements and affixed his/her signature above as his/her own true act and deed.

(Signature) Bonnie Maretich
(Date) 7/12/10

My Commission Expires: 11/4/12 DM



BONNIE MARETICH
Notary Public, State of Ohio
Mahoning County
My Commission Expires Nov. 4, 2012

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TO THE WITNESS: DO NOT WRITE IN TRANSCRIPT EXCEPT TO SIGN. Please note any word changes/corrections on this sheet only. Thank you.

TO THE REPORTER: I have read the entire transcript of my deposition taken on the 1st Day of July, 2010, or the same has been read to me. I request that the following changes be entered upon the record for reasons indicated. I have signed my name to the signature page and authorized you to attach the following changes to the original transcript:

PAGE	LINE	CORRECTION OR CHANGE & REASON THEREFOR
86	17	sally "court" should be sally "port"
87	1	- - -
91	23	delete the word "not"
96	8	" -- our directive (begins quote)
96	12	City." (end quote)

7.12.10
Today's Date


Judge Elizabeth A. Kobly

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Westlaw

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C

Supreme Court of Ohio.
 The STATE, ex rel. TAYLOR, Judge,
 v.
 CITY OF DELAWARE et al.
 No. 81-1290.

Dec. 8, 1982.

Relator filed complaint in mandamus against city and members of city council to compel them to provide suitable facilities for municipal court. The Supreme Court held that: (1) writ of mandamus would be allowed inasmuch as facilities of municipal court admittedly were not adequate and statute placed mandatory duty on city and city council to provide suitable accommodations, and (2) relator was not entitled to costs and attorney fees.

Writ allowed.

West Headnotes

[1] Mandamus 250 ↪73(1)

250 Mandamus

250II Subjects and Purposes of Relief

250II(B) Acts and Proceedings of Public Officers and Boards and Municipalities

250k73 Specific Acts

250k73(1) k. In General. Most Cited

Cases

Inasmuch as facilities of municipal court admittedly were not adequate and there was a mandatory duty placed by statute on city and members of city council to provide suitable accommodations, writ of mandamus compelling city and members of city council to provide suitable facilities for municipal court would be granted and standards set out in court rule providing basic guidelines for facilities of municipal and county courts should be taken into consideration in measuring adequacy of existing court facilities. Const. Art. 4, § 5; Municipal and County Courts Superintendence Rule 17; R.C. §§

733.59, 733.61, 1901.36.

[2] Mandamus 250 ↪190

250 Mandamus

250III Jurisdiction, Proceedings, and Relief

250k190 k. Costs. Most Cited Cases

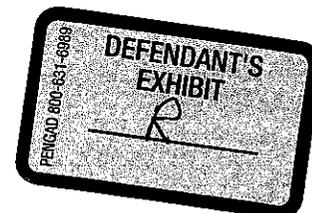
Relator requesting writ of mandamus to compel city and members of city council to provide suitable facilities for municipal court was not entitled to costs and attorney fees under statute providing for costs and attorney fees in suits brought by taxpayers in their own name on behalf of municipal corporation where action was filed by relator in his capacity as judge of municipal court. R.C. §§ 733.59, 733.61.

****453 *17** Relator, William W. Taylor, Judge of the Delaware Municipal Court, filed a complaint in mandamus in this court against respondents, city of Delaware and the members of Delaware City Council, to compel respondents to provide suitable facilities for the Delaware Municipal Court.

In the complaint, relator avers that he “ * * * has requested respondents to provide suitable accommodations for the Municipal Court,” that R.C. 1901.36 and M.C.Sup.R. 17 “ * * * mandate a clear duty on respondents to provide the facilities requested,” and that “[r]espondents by their inaction have refused to provide the facilities * * * referred to and said facilities are so deficient and inadequate that the administration of justice is impeded.”

In their answer, respondents “admit that said facilities are inadequate in many respects but deny that they have been guilty of inaction * * *” Respondents refer to a contract entered into between the city and an architectural firm “ * * * to prepare a space study report for all Delaware Municipal facilities, including that of the Municipal Court.” Respondents then state: “It is the desire of Respondents to comply fully with Ohio Revised Code Section 1901.36 and Rule 17 of the Ohio Supreme Court Rules of Superintendence for County and Municip-

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al Courts, including those standards which are suggested as desirable, but not mandatory.”

Relator prays in the complaint, and also in a separately filed motion, for costs and attorney's fees. Schilder & Haines and Joseph W. Schilder, Sunbury, for relator.

Robert H. Coldren, City Atty., for respondents.

PER CURIAM.

R.C. 1901.36 provides, in part:

“The legislative authority of the municipal corporation shall provide suitable accommodations for the municipal court and its officers.

“ * * *

“The legislative authority shall provide for the use of the court suitable accommodations for a law library, complete sets of reports of the supreme and inferior courts and such other law books and publications as are considered necessary by the presiding judge, and shall provide for each courtroom, a copy of the Revised Code.

“ * * * It [the legislative authority] shall provide all necessary form books, *18 dockets, books of record, and all supplies including telephone, furniture, heat, light, and janitor service, and for such other ordinary or extraordinary expenses as it considers advisable or necessary for the proper operation or administration of the court.”

By the enactment of the foregoing statute, which is mandatory in its terms, the General Assembly recognized that municipal courts, as an essential part of the justice system in this state, must be given means to carry out their duties under the law. Thus, there is a clear legal duty on the part of respondents to “provide suitable accommodations” for the Delaware Municipal Court.

**454 Respondents, in their answer, admit that the existing facilities of that court “are inadequate in

many respects.” Respondents state also that they are willing to comply with the statute and that, in fact, a contract has been entered into between the city and an architectural firm for a space study report of the municipal court.

[1] Inasmuch as the facilities of the Delaware Municipal Court admittedly are not adequate and R.C. 1901.36 places a mandatory duty on respondents to provide suitable accommodations, this court concludes that the writ of mandamus should be allowed in this cause.

The court is encouraged by the efforts already undertaken by respondents to comply with the statute. Regrettably, those efforts to this time have not yielded results to satisfy the requirements of the Delaware Municipal Court.

In their answer, respondents indicate that they are willing to comply with the provisions of M.C.Sup.R. 17 “including those standards which are suggested as desirable, but not mandatory.” This court, pursuant to the superintending powers over all courts in the state granted in Section 5, Article IV, of the Constitution of Ohio in 1968, adopted M.C.Sup.R. 17 in 1975. That rule is intended to provide basic guidelines for facilities of municipal and county courts. Although not all of the provisions of the rule are mandatory in character, the standards set forth in the rule should be taken into consideration in measuring the adequacy of existing court facilities and in the planning of new facilities.

[2] Relator's request for costs and attorney's fees in this cause, being predicated upon R.C. 733.61, which provides for costs and attorney's fees in suits brought under R.C. 733.59 by taxpayers in their own name on behalf of a municipal corporation, is denied. The complaint shows on its face that the action was filed by relator in his capacity as judge of the Delaware Municipal Court. For a definition of the word “taxpayer” as used in R.C. 733.59, see *State, ex rel. Nimon, v. Village of Springdale* (1966), 6 Ohio St.2d 1, 215 N.E.2d 592 [35 O.O.2d 1]; *State, ex rel. White, v. Cleveland* (1973), 34

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Ohio St.2d 37, 40, 295 N.E.2d 665 [63 O.O.2d 79].

In holding that the writ of mandamus should be allowed in this cause, this court is not unmindful of the present financial problems being experienced by political subdivisions in the state. Of necessity, those problems must be taken *19 into account by both relator and respondents in satisfying the mandatory obligations imposed by R.C. 1901.36.

FRANK D. CELEBREZZE, C.J., WILLIAM B. BROWN, PARRINO, LOCHER, HOLMES, CLIFFORD F. BROWN and KRUPANSKY, JJ., concur.
PARRINO, J., of the Eighth Appellate District, sitting for SWEENEY, J.

Ohio, 1982.
State, ex rel. Taylor v. City of Delaware
2 Ohio St.3d 17, 442 N.E.2d 452, 2 O.B.R. 504

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Westlaw

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H

Supreme Court of Ohio.
 The STATE ex rel. HILLYER, Judge, Appellee and
 Cross-Appellant,
 v.
 TUSCARAWAS CTY. BD. OF COMMRS. et al.,
 Appellants and Cross-Appellees.
 Nos. 93-473, 93-634.

Submitted April 5, 1994.
 Decided Aug. 24, 1994.

County court judge brought mandamus action against Board of County Commissioners. The Court of Appeals, Tuscarawas County, issued writ directing Board to pay judge's attorney's fees and costs, provide suitable court facilities, and pay probation officer's salary, but denying judge's request for writ of mandamus ordering Board to meet his budget request and cease interference with operations of court. On appeal and cross-appeal, the Supreme Court held that: (1) award of attorney's fees was not abuse of discretion; (2) Board had to provide suitable courtroom facilities; (3) judge had authority to hire probation officer; and (4) denial of judge's request for mandamus regarding appropriation of budget requests for court and prevention of Board's interference with operation of court was not abuse of discretion.

Affirmed.

Douglas and Wright, JJ., concurred in judgment.

West Headnotes

[1] Mandamus 250 ↪1

250 Mandamus

250I Nature and Grounds in General

250k1 k. Nature and Scope of Remedy in General. Most Cited Cases

In order to be entitled to writ of mandamus, relator must establish: that he/she has clear legal right to

relief prayed for; that respondent has clear legal duty to perform acts; and that relator has no plain and adequate remedy in ordinary course of law.

[2] Mandamus 250 ↪187.9(5)

250 Mandamus

250III Jurisdiction, Proceedings, and Relief

250k187 Appeal and Error

250k187.9 Review

250k187.9(5) k. Discretion of Lower Court. Most Cited Cases

Issue, on review of Court of Appeals' decision to grant writ of mandamus on judge's claims for attorney's fees, suitable court facilities, and appropriation of funds for probation officer, but to deny writ of mandamus on judge's claims for appropriation of budget requests for county court and prevention of interference in operation of county court by county Board of Commissioners, was whether Court of Appeals committed abuse of discretion.

[3] Courts 106 ↪26

106 Courts

106I Nature, Extent, and Exercise of Jurisdiction in General

106k26 k. Scope and Extent of Jurisdiction in General. Most Cited Cases

"Abuse of discretion" connotes more than error of law or judgment; it implies that court's attitude is unreasonable, arbitrary or unconscionable.

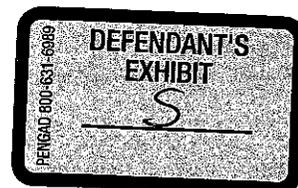
[4] Mandamus 250 ↪185

250 Mandamus

250III Jurisdiction, Proceedings, and Relief

250k185 k. Performance and Enforcement of Command. Most Cited Cases

County Board of Commissioners' failure to comply with writ of mandamus which ordered it to make application for employment of legal counsel to assist judge in mandamus action regarding adequacy of court facilities and payment of salary of probation officer vested Court of Appeals with power to



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bypass normal statutory procedure regarding the employment of legal counsel to assist county officers, and thus Court of Appeals did not abuse its discretion by awarding attorney's fees to judge. R.C. § 305.14(A).

[5] Mandamus 250 ↪73(1)

250 Mandamus
 250II Subjects and Purposes of Relief
 250II(B) Acts and Proceedings of Public Officers and Boards and Municipalities
 250k73 Specific Acts
 250k73(1) k. In General. Most Cited

Cases

In those cases in which prosecuting attorney had conflict of interest and refuses to make application for employment of legal counsel to assist county officer, mandamus will apply to compel application, since failure to apply constitutes abuse of discretion. R.C. § 305.14(A).

[6] Courts 106 ↪72

106 Courts
 106II Establishment, Organization, and Procedure
 106II(E) Places and Times of Holding Court
 106k72 k. Courthouses and Courtrooms.
 Most Cited Cases

Courts 106 ↪73

106 Courts
 106II Establishment, Organization, and Procedure
 106II(E) Places and Times of Holding Court
 106k73 k. Accommodations and Supplies.
 Most Cited Cases

Use of standards of rule which requires that Board of County Commissioners provide each county court judge with suitable court and office space and all materials necessary for court business was proper, in mandamus action brought by county court judge, to decide whether county court facilities were suitable; standards were not elevated to man-

datory status. Municipal and County Courts Superintendence Rule 17.

[7] Appeal and Error 30 ↪1010.1(4)

30 Appeal and Error
 30XVI Review
 30XVI(I) Questions of Fact, Verdicts, and Findings
 30XVI(I)3 Findings of Court
 30k1010 Sufficiency of Evidence in Support
 30k1010.1 In General
 30k1010.1(4) k. Competent or Credible Evidence. Most Cited Cases
 Reviewing courts will not reverse judgments supported by some competent, credible evidence.

[8] Mandamus 250 ↪73(1)

250 Mandamus
 250II Subjects and Purposes of Relief
 250II(B) Acts and Proceedings of Public Officers and Boards and Municipalities
 250k73 Specific Acts
 250k73(1) k. In General. Most Cited

Cases

County court judge was entitled to writ of mandamus compelling Board of County Commissioners to provide suitable courtroom facilities; Court of Appeals' factual determination that facilities were inadequate was supported by sufficient evidence. Municipal and County Courts Superintendence Rule 17.

[9] Courts 106 ↪55

106 Courts
 106II Establishment, Organization, and Procedure
 106II(B) Court Officers
 106k55 k. Ministerial Officers in General.
 Most Cited Cases
 County court judge had authority to appoint probation officer, where judge testified that appointed full-time probation officer was absolutely necessary

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to efficient operation of court and made it possible to enforce judgments in criminal cases in which supervised probation was ordered, and evidence indicated that \$26,000 per year salary was reasonable. R.C. §§ 1907.18(B), 2301.27.

[10] Mandamus 250 ↪100

250 Mandamus

250II Subjects and Purposes of Relief

250II(B) Acts and Proceedings of Public Officers and Boards and Municipalities

250k100 k. Appropriation or Other Disposition of Public Money. Most Cited Cases

Denial of county court judge's claims for mandamus relief regarding appropriation of budget requests for court and prevention of interference with operation of court by Board of County Commissioners was not abuse of discretion; judge failed to establish clear legal duty on part of Board to provide requested relief, judge was not entitled to automatic appropriation of requested salaries even if requests were reasonable, and Board's exercise of statutorily authorized control over county clerk's office did not violate separation of powers doctrine. U.S.C.A. Const. Art. 3, § 1 et seq.

[11] Mandamus 250 ↪181(.5)

250 Mandamus

250III Jurisdiction, Proceedings, and Relief

250k179 Peremptory Writ

250k181 Proceedings to Procure

250k181(.5) k. In General. Most Cited

Cases

In mandamus action, court is not limited to considering facts and circumstances at time proceeding is instituted, but should consider facts and conditions at time it decides whether to issue preemptory writ.

[12] Mandamus 250 ↪178

250 Mandamus

250III Jurisdiction, Proceedings, and Relief

250k178 k. Judgment or Order. Most Cited

Cases

Mandamus is not granted to take effect prospectively.

[13] Counties 104 ↪89

104 Counties

104III Officers and Agents

104k87 Duties and Liabilities

104k89 k. Clerk. Most Cited Cases

Board of County Commissioners has control over county clerk's office where clerk has been appointed. R.C. § 1907.20.

[14] Constitutional Law 92 ↪2625(1)

92 Constitutional Law

92XX Separation of Powers

92XX(D) Executive Powers and Functions

92k2622 Encroachment on Judiciary

92k2625 Executive Exercise of Statutory Authority as Encroaching on Judiciary

92k2625(1) k. In General. Most

Cited Cases

(Formerly 92k80(3))

Counties 104 ↪89

104 Counties

104III Officers and Agents

104k87 Duties and Liabilities

104k89 k. Clerk. Most Cited Cases

Board of County Commissioners did not violate separation of powers doctrine by exercising its statutorily authorized control over clerk's office; Board did not lay off any employee of county clerk's office and appropriated all amounts requested for that office, although it could have done otherwise. R.C. § 1907.20; U.S.C.A. Const. Art. 3, § 1 et seq.

****312 *94** The Tuscarawas County Board of Commissioners ("board") and the Tuscarawas County Auditor, appellants and cross-appellees, appeal from a judgment by the Tuscarawas County Court of Appeals issuing a writ of mandamus on the complaint of relator Hudson Hillyer, Judge of the Tuscarawas County Court and appellee and cross-appellant, which ordered appellants to pay Judge

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Hillyer's attorney fees in the action, provide suitable court facilities for the county court, and pay David L. Blackwell \$26,000 per year from September 26, 1991 for his position as probation officer of the county court. Judge Hillyer cross-appeals from the judgment of the court of appeals denying a writ of mandamus to compel appellants to provide reasonable and necessary funds in accordance with the judge's 1992 order and to cease impairing the daily operations and administration of the Tuscarawas County Court.

From 1977 until August 20, 1991, David L. Blackwell served as probation officer for both the New Philadelphia Municipal Court and the Tuscarawas County Court. During this period, sixty percent of Blackwell's salary was paid by New Philadelphia. On August 20, 1991, Blackwell was fired by the judge of *95 the New Philadelphia Municipal Court for failing to provide certain records. On August 21, 1991, Judge Hillyer appointed Blackwell to the position of full-time probation officer of the Tuscarawas County Court and orally informed the board of the appointment. On September 5, 1991, Judge Hillyer issued an entry reflecting his appointment of **313 Blackwell and setting his salary at \$26,200 per year. The board compensated Blackwell at the salary set by Judge Hillyer until September 26, 1991, when it stopped all payments to Blackwell.

On October 3, 1991, Judge Hillyer issued another judgment entry directing the board to order the county auditor to pay the salary of Blackwell as probation officer of the county court. The board did not comply with Judge Hillyer's orders concerning payment of Blackwell as a full-time probation officer. According to Judge Hillyer, Blackwell's services as a probation officer were necessary to continue his efficient judicial administration of criminal cases, because without Blackwell, he could not order supervised probation. Blackwell supervised over three hundred persons placed on probation by the county court. Since the county jail had limited space, placing persons on probation saved the

county the expense of incarcerating convicts in other jails.

In correspondence in October and November 1991, the board advised Judge Hillyer that the county court budget had been exhausted, mainly due to the unwarranted appointment of Blackwell to a full-time position, noted that one county court deputy clerk should be laid off, and stated that all deputy clerks should be compensated on an hourly basis and required to fill out time cards. According to the county court clerk, one of the county commissioners had advised her in October 1991 that the board was going to start "administering" the court. As a result of the board's contact with the court, the full-time court personnel began to work thirty-seven and a half hours a week instead of the thirty-two hours that they had previously worked. Despite the board's threats, it did not lay off any county court deputy clerks, and it funded all of Judge Hillyer's requested court personnel budget, with the lone exception of Blackwell's salary. Judge Hillyer admitted that as of 1993, aside from the disputes concerning suitable court facilities and Blackwell, the board was not interfering with the orderly operation of his court.

Judge Hillyer testified that the existing county court facilities were inadequate for several reasons, including the following: (1) it was difficult to separate opposing witnesses due to limited space, (2) counsel were required to take their clients outside to discuss confidential matters, (3) the courtroom was too small to hold all defendants and spectators when he held traffic court, (4) there was no waiting room for jurors, (5) the court furniture was old and insufficient, (6) there was no private access from his chambers to the courtroom, (7) there was no jury room, (8) there was no consultation room for attorneys and clients, and (9) the *96 facilities did not comply with M.C.Sup.R. 17. The commissioners admitted that the courtroom facilities were crowded, not very good, and did not comply with M.C.Sup.R. 17.

The parties attempted to mediate their dispute, with

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the aid of the county prosecutor, but to no avail. On June 2, 1992, Judge Hillyer entered a judgment which ordered the board to immediately release the funds requested for operation of the court and to resolve the problems of inadequate space and intolerable conditions. On September 4, 1992, Judge Hillyer brought this mandamus action against appellants in the court of appeals. The county prosecutor filed an answer on behalf of appellants. The board had previously refused to appropriate funds for Judge Hillyer to obtain independent counsel to file the mandamus action. The prosecutor withdrew his representation of appellants and filed a notice in the court of appeals that he represented none of the parties to the action.

On December 17, 1992, the court of appeals issued a writ of mandamus compelling the board to apply to the Tuscarawas County Court of Common Pleas pursuant to R.C. 305.14(A) for the appointment of counsel for Judge Hillyer on terms to be fixed by the common pleas court. The prosecutor prepared a proposed judgment entry, but the board failed to sign it and instead submitted its own application in the common pleas court "under protest," requesting a hearing on the necessity of the appointment of private counsel and other issues. On January 8, 1993, the court of appeals vacated its prior entry because of the board's failure to comply with it by seeking "to raise issues [in the common pleas court] already litigated" in the court of **314 appeals. The court issued an order finding that Judge Hillyer was entitled to the appointment of independent counsel, who would be compensated by appellants in an amount not to exceed \$12,500 unless modified by the court.

The remaining claims were subsequently considered by the court of appeals and on March 1, 1993, it issued a writ of mandamus which (1) reaffirmed its prior order by directing appellants to pay Judge Hillyer's attorney fees and costs, (2) ordered respondents to provide suitable court facilities for the Tuscarawas County Court consistent with the guidelines set forth in M.C.Sup.R. 17, and (3)

ordered respondents to pay David L. Blackwell \$26,000 per year from September 26, 1991 plus interest and to recognize Blackwell as the "duly authorized and employed probation officer" of Judge Hillyer. The court of appeals further denied Judge Hillyer's claims for a writ of mandamus ordering appellants to, *inter alia*, meet his 1992 budget request and cease interfering with the operations of the Tuscarawas County Court.

This cause is before the court upon an appeal and cross-appeal from the judgment of the court of appeals.

*97 Richard L. Stephenson and James M. Carrothers, New Philadelphia, for appellee and cross-appellant.

Syler, Redinger, Traver & Fox and Thomas W. Fox, Dover, for appellants and cross-appellees.

PER CURIAM.

Per Curiam. Appellants' propositions of law attack the court of appeals' issuance of a writ of mandamus on the claims of Judge Hillyer for (1) attorney fees, (2) suitable court facilities, and (3) appropriation of funds for probation officer. In his cross-appeal, Judge Hillyer asserts that the court of appeals erred in denying his claims for a writ of mandamus for (1) appropriation of budget requests for the county court, and (2) prevention of the board's interference in the operation of the county court.

[1][2][3] In order to be entitled to a writ of mandamus, the relator must establish (1) that he/she has a clear legal right to the relief prayed for, (2) that respondent has a clear legal duty to perform the acts, and (3) that relator has no plain and adequate remedy in the ordinary course of law. *State ex rel. Manson v. Morris* (1993), 66 Ohio St.3d 440, 441, 613 N.E.2d 232, 233-234, citing *State ex rel. Berger v. McMonagle* (1983), 6 Ohio St.3d 28, 29, 6 OBR 50, 51, 451 N.E.2d 225, 226. The issue presented in this court is whether the court of appeals, in granting the writ of mandamus as to some

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of Judge Hillyer's claims and refusing to issue the writ of mandamus on Judge Hillyer's remaining claims, committed an abuse of discretion. *State ex rel. Heath v. Ohio State Med. Bd.* (1992), 64 Ohio St.3d 186, 187, 593 N.E.2d 1386, 1387, citing *State ex rel. Casey Outdoor Advertising, Inc. v. Ohio Dept. of Transp.* (1991), 61 Ohio St.3d 429, 430, 575 N.E.2d 181, 183. An abuse of discretion connotes more than an error of law or judgment; it implies that the court's attitude is unreasonable, arbitrary or unconscionable. *Rock v. Cabral* (1993), 67 Ohio St.3d 108, 112, 616 N.E.2d 218, 222. "When applying the abuse of discretion standard, a reviewing court is not free to merely substitute its judgment for that of the trial court." *In re Jane Doe I* (1991), 57 Ohio St.3d 135, 137-138, 566 N.E.2d 1181, 1184.

ATTORNEY FEES

[4] Appellants contend in their first and second propositions of law that the court of appeals usurped the authority of the common pleas court by appointing independent counsel to Judge Hillyer in his mandamus action against appellants and awarding attorney fees to Judge Hillyer. The court of appeals' March 1, 1993 entry ordered appellants to pay Judge Hillyer's attorney fees but gave the parties "two weeks leave to determine and fix" the attorney fees before the court would determine the fees based upon statements received from the parties.

*98 R.C. 305.14(A) provides:

"The court of common pleas, upon the application of the prosecuting attorney and the board of county commissioners, may authorize the board to employ legal counsel to **315 assist the prosecuting attorney, the board, or any other county officer in any matter of public business coming before such board or officer, and in the prosecution or defense of any action or proceeding in which such board or officer is a party or has an interest, in its official capacity."

[5] "Application by both the prosecuting attorney

and the board of county commissioners is a prerequisite to authorization by a court of common pleas pursuant to R.C. 305.14 of appointment of other counsel to represent a county officer, except where the prosecuting attorney has a conflict of interest and refuses to make application." *State ex rel. Corrigan v. Seminatore* (1981), 66 Ohio St.2d 459, 20 O.O.3d 388, 423 N.E.2d 105, paragraph one of the syllabus. In those cases where the prosecuting attorney has a conflict of interest and refuses to make the application, mandamus will lie to compel the application because the failure to apply constitutes an abuse of discretion. *State ex rel. Stamps v. Automatic Data Processing Bd. of Montgomery Cty.* (1989), 42 Ohio St.3d 164, 167, 538 N.E.2d 105, 108-109. Here, the prosecutor previously attempted to mediate the dispute between the parties and had also represented appellants in the same action by filing an answer on their behalf. Additionally, the prosecutor would have had an arguable conflict of interest precluding his representation of Judge Hillyer in the matter. See, e.g., DR 5-101(A) and 5-105(A); EC 5-20. The board had previously refused to make the application to the court of common pleas.

Pursuant to *Corrigan* and *Stamps*, the court of appeals properly ordered the board to make the application. However, the board failed to comply with that order when it refused to file the proposed entry prepared by the prosecutor and instead filed an application in the common pleas court which challenged the court of appeals' determination. Under these circumstances, and where it appeared that any further writ ordering the proper application would involve considerable delay because of the recusal of the assigned common pleas court judge, the court of appeals appropriately appointed independent counsel for Judge Hillyer itself. Consequently, although the court of appeals would normally lack authority to do so, the board's failure to comply with the initial writ vested the court with the power to bypass the normal statutory procedure. Therefore, the court of appeals did not abuse its discretion by awarding attorney fees to Judge Hillyer.

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SUITABLE COURT FACILITIES

[6] In their third proposition of law, appellants contend that the court of appeals erroneously elevated M.C.Sup.R. 17, entitled "Court Facility Standards," to a mandatory status. R.C. 1907.19 provides that the "board of county commissioners*99 shall provide for each county court judge in the county *suitable court and office space and all materials necessary for the business of the court*, including a current set of the Revised Code." (Emphasis added.) The statute does not define "suitable" or "necessary." However, in interpreting an analogous duty on the part of the legislative authorities of municipalities to provide "suitable accommodations" for municipal courts, the court has noted that M.C.Sup.R. 17 is "intended to provide basic guidelines for facilities of municipal and county courts." *State ex rel. Taylor v. Delaware* (1982), 2 Ohio St.3d 17, 18, 2 OBR 504, 505, 442 N.E.2d 452, 454. Therefore, "[a]lthough not all of the provisions of the rule are mandatory in character, the standards set forth in the rule should be taken into consideration in measuring the adequacy of existing court facilities." *Id.*

The court of appeals considered the M.C.Sup.R. 17 standards in measuring the suitability of the county court facilities. Contrary to appellants' contentions on appeal, the court of appeals did not appear to consider these standards to be mandatory requirements but merely utilized them to decide the factual issue of whether the county court facilities were suitable. See, e.g., *State ex rel. Finley v. Pfeiffer* (1955), 163 Ohio St. 149, 56 O.O. 190, 126 N.E.2d 57, paragraph two of the syllabus (necessity of court space constitutes a question of fact); 1987 Ohio Atty.Gen.Ops. No. 87-039 (whether the use of certain appliances is necessary for the proper and efficient operation of a court is a question of fact). As this court noted in ****N.E.2d316** *Taylor*, the consideration of M.C.Sup.R. 17 in this inquiry is appropriate.

[7][8] As to its factual determination that the existing court facilities were not suitable, reviewing

courts will not reverse judgments supported by some competent, credible evidence. *Eberly v. A-P Controls, Inc.* (1991), 61 Ohio St.3d 27, 30, 572 N.E.2d 633, 635; *State ex rel. Shady Acres Nursing Home, Inc. v. Rhodes* (1983), 7 Ohio St.3d 7, 8-9, 7 OBR 318, 320, 455 N.E.2d 489, 491; see, also, R.C. 2731.09 (issues of fact in mandamus actions must be tried in the same manner as in civil actions). Judge Hillyer testified that the facilities were inadequate and the commissioners admitted that the courtroom was crowded, not very good, and did not comply with M.C.Sup.R. 17 (including some of its mandatory provisions, e.g., M.C.Sup.R. 17[F] requiring that each courtroom equipped to hear jury trials have a soundproof jury deliberation room). The court of appeals' factual determination is supported by sufficient evidence and we will not substitute our judgment for that of the court of appeals. Thus, the court of appeals did not err in issuing a writ of mandamus compelling the board to provide suitable facilities consistent with M.C.Sup.R. 17.

PROBATION OFFICER

[9] Appellants contend in their fourth proposition of law that since the General Assembly has not specifically granted county court judges the authority to *100 appoint probation officers as it has to common pleas and municipal judges, Judge Hillyer lacked authority to appoint Blackwell as probation officer.

R.C. 1907.18(B) provides:

"County court judges may punish contempts, and exercise powers necessary to give effect to the jurisdiction of the court and to enforce its judgments, orders, and decrees, as provided in this chapter or, in the absence of a provision in this chapter, in a manner authorized by the Revised Code or common law for the judges of the courts of common pleas."

R.C. 2301.27 allows courts of common pleas to appoint probation officers, fix their salaries, and supervise their work.

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Judge Hillyer testified that Blackwell, in his appointed position as full-time probation officer, was absolutely necessary to the efficient operation of the court and made it possible to enforce judgments in criminal cases where supervised probation was ordered. The evidence further indicated that \$26,000 per year was a reasonable salary. Consequently, the court of appeals properly determined, pursuant to R.C. 1907.18(B) and 2301.27, that Judge Hillyer possessed the authority to hire Blackwell, and was entitled to the issuance of writ ordering appellants to pay Blackwell back pay and interest, and to appropriate funds for his continued employment.

CROSS-APPEAL

[10] Judge Hillyer asserts that the court of appeals abused its discretion in denying his claims for mandamus concerning appropriation of budget requests for his court and the prevention of the board's interference with the operation of the court.

[11][12] In a mandamus action, "a court is not limited to considering facts and circumstances at the time a proceeding is instituted, but should consider the facts and conditions at the time it determines whether to issue a peremptory writ." *Oregon v. Dansack* (1993), 68 Ohio St.3d 1, 4, 623 N.E.2d 20, 22. Judge Hillyer acknowledged that aside from the claims he ultimately prevailed on, *i.e.*, suitable court facilities and the propriety of Blackwell's employment, the board had fully complied with his budget requests and had not interfered with his court's operations following the various threats made by the board in 1991. Therefore, since it appeared that the board had actually complied with Judge Hillyer's requests on these matters and had not acted upon its threats, Judge Hillyer established no clear legal duty on the part of the board to provide the requested relief. Additionally, to the extent that Judge Hillyer requested prospective relief from future interference, mandamus is not granted to take effect prospectively. **N.E.2d317 *State ex rel. Martinelli v. Corrigan* (1994), 68 Ohio St.3d

362, 363, 626 N.E.2d *101 954,955, citing *State ex rel. Willis v. Sheboy* (1983), 6 Ohio St.3d 167, 6 OBR 225, 451 N.E.2d 1200, paragraph two of the syllabus.

[13] Furthermore, we agree with the court of appeals that R.C. 1907.20 gives the board control over the county clerk's office where the clerk has been appointed. R.C. 1907.20 provides:

"(A) The clerk of courts shall be the clerk of the county court, except that the board of county commissioners, with the concurrence of the county court judges, may appoint a clerk for each county court judge, who shall serve at the pleasure of the board and shall receive compensation as set by the board * * *.

* * * *

"(E)(1) In county court districts having appointed clerks, deputy clerks may be appointed by the board of county commissioners. Clerks and deputy clerks shall receive such compensation payable in semi-monthly installments out of the county treasury as the board may prescribe. * * *"

Since the General Assembly has placed discretion over appointed county court clerks and deputy clerks in the board, Judge Hillyer is not entitled to an automatic appropriation of the requested salaries even if those requests are reasonable. See, *e.g.*, *State ex rel. Donaldson v. Alfred* (1993), 66 Ohio St.3d 327, 330, 612 N.E.2d 717, 720; *State ex rel. Musser v. Massillon* (1984), 12 Ohio St.3d 42, 45, 12 OBR 36, 38, 465 N.E.2d 400, 402; *State ex rel. Durkin v. Youngstown City Council* (1984), 9 Ohio St.3d 132, 134, 9 OBR 382, 384, 459 N.E.2d 213, 215. Under R.C. 1907.20(A) and (E), the clerks and deputy clerks of the county court serve at the pleasure of the board; consequently, the board may reasonably control the operation of the county clerk's office.

[14] To the extent that Judge Hillyer claims that the board's statutorily authorized control over the

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clerk's office would violate the separation of powers doctrine, there is no evidence that the board has encroached upon the court's authority in this context. See *State v. Warner* (1990), 55 Ohio St.3d 31, 564 N.E.2d 18, paragraph one of the syllabus ("commissioning of a special prosecutor is a constitutional exercise of legislative power when the General Assembly has conferred the powers of appointment, removal and supervision on the state Attorney General"). In the case at bar, the board has not even laid off any employee of the county clerk's office and has appropriated all amounts requested for that office although it could have done otherwise pursuant to R.C. 1907.20, absent an abuse of its discretion. The court of appeals did not abuse its discretion in denying the requested mandamus relief on these claims.

Accordingly, for the foregoing reasons, the judgment of the court of appeals is affirmed.

Judgment affirmed.

*102 MOYER, C.J., and A. WILLIAM SWEENEY, RESNICK, FRANCIS E. SWEENEY, Sr. and PFEIFER, JJ., concur.
DOUGLAS and WRIGHT, JJ., concur in judgment only.
Ohio, 1994.
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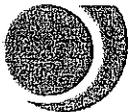
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CITY OF YOUNGSTOWN

PRELIMINARY ARCHITECTURAL STUDY
NEW MUNICIPAL COURT,
POLICE DEPARTMENT,
AND RELATED FACILITIES

October 16, 2003



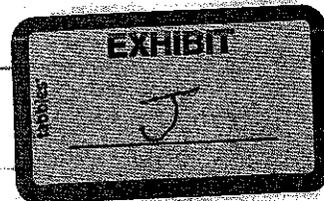
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Needs Assessment Youngstown Municipal Court & Police Department

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** Not included in this draft.*

Executive Summary

New Municipal Court, Police Department and Related Facilities

The purpose of this report was to determine the spatial requirement of the Youngstown Municipal Courts, the Youngstown Police Department, Clerk of Courts Offices and the requirements of the Police Department and the Prosecution's Office as they pertain to the court facilities. The report was to address the following:

1. A program of spatial needs
2. The adjacencies of the various spaces and departments
3. A proposed location of the facilities
4. Schematic drawings of the court facility including site development
5. A cost to build and furnish the court facility
6. The Court and Police Facilities are to be two separate and distinct buildings on the same site.

The Court Facility

The Architect reviewed the existing needs assessment dated April 3, 2001 and each tenant of the facility was contacted to review and update their requirements. The current needs assessment reflects these discussions. The facility as outlined in the assessment determined that the facility would contain approximately 34,800 square feet of space.

COURT BUILDING SUMMARY	
COURT AND RELATED AREAS	12,922 GSF
COURT ADMINISTRATOR	4,620 GSF
CLERK OF COURTS	7,787 GSF
PROSECUTOR	616 GSF
POLICE	3,886 GSF
PUBLIC	4,160 GSF
COMMON STAFF SPACE	<u>800 GSF</u>
 TOTAL	 34,791 GSF

Police Facility

The Needs Assessment Study for the Youngstown Police Department was developed through direct interviews with the Chief of Police, the Police Department Fiscal Officer and the 14 department heads within the Youngstown Police Department. Collective meetings were held to discuss the new facility followed by individual meetings with each department head to determine the department needs, space requirements and operations. Discussions were based on how the Youngstown Police Department operates and interacts with the Municipal Court System and the Mahoning County Jail Facility. Since the booking of prisoners is done at the County Jail, the new police facility will only have holding cells for those prisoners being transported to the Municipal Courts. The transportation of prisoners is an important factor in the location of the police department facility. The final analysis of the police facility determines that it will be a structure containing 51,575 square feet with secured salleyport and individual secured public and administrative spaces. Since the maintenance facility, separate from the police structure will also be required. Its proximity to the police facility is an important consideration in the study and is included in the total space needs of this report. The report also includes conceptual office plan layouts of space requirements used to determine total square footage needs and operations of the facility.

Site Selection

After comparing 8 different possible locations for the joint facility site, #7 which is located at the northwest corner of Wood Street and 5th Avenue and located directly across the street from the Mahoning County Jail was selected.

Site #7 has approximately 4.2 acres of area and can accommodate a one story court facility and multi-story police facility; with all the necessary site amenities, i.e. open area, parking, etc.

COURT FACILITY

Court Room and Related Areas

JUDGE'S OFFICES - Estimated area: 3 x 300 SF each = 900 NSF

There shall be three judges' offices. Each shall be sized for an executive desk, credenza, desk, small conference table and chairs for up to six people, computer table and two guest chairs. Each judge's office shall have a window to the exterior.

PRIVATE TOILET ROOM - Estimated area: 3 x 56 SF each = 168 NSF

Adjoining each judge's office shall be a private handicapped accessible toilet room with adequate space for clothes hanging space.

JUDGES' GARAGE SPACE - 3 x 300 SF each = 900 NSF

For each judge, provide an indoor, secure, locked garage sized to house a full size auto vehicle.

JUDGES' SECRETARIES - 3 x 100 SF each = 300 NSF

Each judge shall have a secretary. The space shall be sized for reception desk, desk chair, computer el, and four file cabinets.

JUDGES' BAILIFFS' OFFICE - 3 x 110 SF each = NSF

Three equal offices shall be provided near the judges' offices and near the court rooms. These offices shall be sized for desk, computer el, desk chair, one file cabinet, and one side chair.

MAGISTRATES' OFFICES - 2 x 120 SF each = 240 NSF

There are two magistrates; their offices should be located near the judges. Office shall be sized for desk, desk chair, computer el, one file, and two side chairs.

MAGISTRATES' SECRETARY- 100 NSF

For the two magistrates, provide nearby space for one secretary to be shared by the magistrates. Space shall be sized for secretary desk, computer el, desk chair, one file and one side chair.

COURT ROOMS - 3 x 120 SF each = 3600 NSF

There shall be three courtrooms of equal size. The room shall have a bench, attorneys' tables, jury box for up to fourteen, public seating for up to 50 people. The room shall be wired for T.V. arraignments. Each courtroom shall be fitted with a sound reinforcement system with microphone at the bench, attorneys' tables, witness box and bailiff station, an amplifier and ceiling speakers. Provide three computer outlets where directed in each courtroom.

MAGISTRATES' COURT ROOM (large) 900 NSF

Shall be located near the other court rooms and shall have a bench, attorney's tables and public seating for up to 38 seats.

MAGISTRATES' COURT ROOM (small) 600 NSF

Same as above but sized to handle up to 25 public seating seats.

CONFERENCE ROOM - 264 NSF

For use of judges and court administrator. Sized to seat 20 people.

COURT FACILITY

JURY CANDIDATE ASSEMBLY AREA – 450 NSF

This room shall be used to assemble up to 50 potential jurists. These people will be held in this area for 3 to 4 hours at a time. There shall be seats for 50. Also, provide space for small table to seat up to four for filling out forms. The space to provide a TV, game table, and some casual furniture and space for providing coffee and soft drinks. This room shall be near the courtroom. Since this room will only be used periodically, provide soundproof folding walls so it can be divided into approximately three equal spaces. These smaller spaces shall be used when the "assembly area" is not in use.

JURY DELIBERATION ROOMS – 2 x 210 SF and 1 x 400 SF = 820 NSF

There shall be three such rooms, one near each courtroom. Two of these rooms shall be sized for eight people seated at a table. One room shall be sized for fourteen people. In each jury deliberation room provide a unisex, ADA accessible toilet room.

COURT ROOM AND RELATED AREAS SUMMARY

JUDGE'S OFFICES	900
TOILET ROOMS	168
JUDGE'S GARAGES	900
JUDGES' SECRETARIES	300
JUDGES' BAILIFF'S OFFICES	330
MAGISTRATES' OFFICES	240
MAGISTRATES' SECRETARY	100
COURT ROOMS	3,600
MAGISTRATES' LARGE COURT ROOM	900
MAGISTRATES' SMALL COURT ROOM	600
CONFERENCE ROOM	264
JURY ASSEMBLY AREA	450
JURY DELIBERATION ROOMS	820
	9,572 NSF
	x 135%
Total for this department.....	12,922 GSF

- For this type of space, add 35% for wall thickness, corridors, mechanical equipment room, etc.

COURT FACILITY

COURT ADMINISTRATOR'S SUITE

COURT ADMINISTRATOR'S OFFICE – 150 NSF

This room shall be sized for executive desk, desk chair, credenza, computer table for two computers, two guest chairs, conference table to seat four.

PRIVATE TOILET ROOM – 50 NSF

Handicapped accessible, private toilet room for court administrator.

LEGAL RESEARCH LIBRARY – 156 NSF

This room sized for three computer tables and several bookcases and a table to seat four.

CHIEF BAILIFF'S OFFICE – 144 NSF

This room shall be sized for desk, desk chair, computer table, file cabinet, bookcase and two guest chairs.

OUTSIDE BAILIFFS' SPACE – 3 x 64 SF = 192 NSF

There shall be workstations for three outside bailiffs in an open office area. Each workstation shall be sized for desk with file drawers, computer el and desk chair. Each station shall have and "in-out" basket.

DEPUTY BAILIFFS' SPACE – 2 x 48 SF = 96 NSF

There shall be workstations for two deputy bailiffs in open office. Space shall be sized for small desk, computer el and desk chair.

ASSIGNMENT OFFICE – 4 x 64 SF = 256 NSF

Accessible to public, for scheduling cases. The space shall be an open office with four workstations each with desk, desk chair and computer el.

PROBATION WAITING AREA – 160 NSF

This space shall be sized to seat 10 chairs.

PROBATION RECEPTIONIST – 128 NSF

This space shall be sized for two workstations in an open office with desk, desk chair and computer el.

PROBATION SUPERVISOR OFFICE – 120 NSF

This room shall be sized for desk, desk chair, computer el, three side chairs and one file cabinet.

PROBATION OFFICES – 6 x 110 SF each = 660 NSF

There shall be six private probation offices. Each room shall be sized for desk, desk chair, computer el and three side chairs.

PROBATION CONFERENCE ROOM – 0 NSF

Use divided jury assembly area when available.

COURT FACILITY

SYSTEMS ADMINISTRATOR OFFICE – 130 NSF

This room sized for desk, desk chair, computer el, one side chair and limited storage.

WIRE ROOM – 120 NSF

This room shall be sized to handle the junctions of all computer wiring in the courtrooms and related areas. The room shall be designed to handle the heat gain associated with this type of equipment.

COPY ROOM – 120 NSF

This room shall be sized to handle the copy machines, paper, and sorting counters for this department. This room should be near the administrator's office to facilitate supervision of copier use.

GENERAL STORAGE – 200 NSF

This room is for use of this entire department for office supplies and equipment.

STENO OFFICE – 260 NSF

This space shall be sized for two people, each having one desk, desk chair, computer el and storage for up to seven file cabinets to hold "past transcripts".

STAFF TOILET ROOMS – 2 x 240 SF = 480 NSF

To serve entire department of administrator and court staffs.

COURT FACILITY

COURT ADMINISTRATOR'S SUITE SUMMARY

COURT ADMINISTRATOR'S OFFICE	150
PRIVATE TOILET ROOM	50
LEGAL RESEARCH LIBRARY	156
CHIEF BAILIFF'S OFFICE	144
OUTSIDE BAILIFF'S SPACE	192
DEPUTY BAILIFF'S SPACE	96
ASSIGNMENT OFFICES	256
PROBATION WAITING AREA	160
PROBATION RECEPTIONIST	128
PROBATION SUPERVISOR OFFICE	120
PROBATION OFFICES	660
PROBATION CONFERENCE ROOM	0
SYSTEMS ADMINISTRATOR OFFICE	130
WIRE ROOM	120
COPY ROOM	120
GENERAL STORAGE	200
STENO OFFICE	260
STAFF TOILET ROOMS	480
Net Usable Area	3,422 NSF
	<u>X 135%</u>
Total for this department	4,620 GSF

- For this type of space, add 35% for wall thickness, corridors, mechanical equipment room etc.

COURT FACILITY

CLERK OF COURTS OFFICE

RECEPTION AREA - Estimated Area: 600 NSF

This area shall be located off of a public lobby and shall be near the courtrooms. From the public lobby you will enter the reception area which shall have tables for two computers, shelves for approximately 20 docket books, and a printer. Further, the lobby shall have a counter with ten enclosed stand-up windows for transactions between the public and the various divisions of the clerk's office. The window shall have bullet resistant glass, a protected pass-thru, and a protected opening for voice communication. On the court staff side of the window there shall be sufficient counter space for a computer and a cash drawer.

Windows will be identified as follows:

Criminal	4
Parking	1
Trustee	1
Civil	2
Small Claims	1
Collections	1

OPEN OFFICE WORK SPACE - Estimated Area: 1220 NSF

Located immediately behind the lobby counter shall be 20 open office work spaces for clerks that service the counter. Each clerk shall have a desk with el for computer, and a desk chair.

STORAGE AREA - 1940 NSF

These spaces shall be accessible to open office area and bookkeeping.

1. Fireproof file vault
500 NSF
2. Two rooms for "space saver" type movable file systems
2 x 300 SF = 600 NSF
3. Two rooms for docket book storage
2 x 120 SF = 240 NSF
4. Records Room
600 NSF
This space shall house 3 personnel at a 5' desk with computer el and chair. The space shall accommodate the following: equipment, microfilm machine, digital copier, 6' work table and 3 to 4 four drawer filing cabinets.

COURT FACILITY

ADMINISTRATIVE BOOKKEEPER OFFICE - Estimated Area: 120 NSF

This shall be a private office sized for desk, computer el, desk chair, file, and shall be located next to the Bookkeeping Office, with a window into the Bookkeeping office.

BOOKKEEPING OFFICE - Estimated Area: 152 NSF

This office should be close to open office, copy area, and files. The space shall be sized for two work stations in an open office. Each work station shall include desk, desk chair, computer/el, one file and one side chair.

TECHNOLOGY OFFICE - Estimated Area: 350 NSF

This office shall be sized for two open office work stations and shall include space for supplies, storage, and within this office shall be a separate "wire room" which will serve as a "junction" for all technology wiring for the Clerk of Courts department. The HVAC system for the wire room shall be designed to handle the heat generated by the computer equipment.

COPY ROOM - Estimated Area: 120 NSF

This room shall include space for a floor-mounted copier, work table and paper supply cabinets.

STAFF LOUNGE - Estimated Area: 400 NSF

This area shall be close to the open office area, technology and bookkeeping areas. The space shall be sized to include dining space for 12 persons seated at tables for four. There shall be a preparation area with counter, double bowl sink, refrigerator, microwave oven, exhaust fan and wall and base cabinets for storage. Also, provide space for some lounge furniture including a sofa.

STAFF TOILET ROOMS - Estimated Area: 312 NSF

Provide ADA accessible toilet rooms for men and women staff.

COURT FACILITY

ADMINISTRATIVE AREA

This area shall be entered through a controlled door from the reception area and shall have a door into the open office workspace. All administrative offices shall have a window to the exterior.

WAITING AREA: 50 NSF

A small space allowing up to four chairs and tables for visitor waiting. The room shall be accessible to the reception area through a controlled door and shall also have a doorway to the open office area.

ADMINISTRATIVE ASSISTANT OFFICE: 144 NSF

This room to be sized for desk, desk chair, computer el, one large file and two side chairs. This room shall have a door to the open office area and a window to view the open office area.

CHIEF DEPUTY CLERK OFFICE: 160 NSF

This room shall be similar to administrative assistant office but shall include a window viewing the open office area.

CLERK OF COURTS OFFICE: 300 NSF

This office shall be sized to include an executive desk, desk chair, credenza, computer table, a small conference table to seat four, two side chairs, a small refrigerator and microwave and a sofa.

CONFERENCE ROOM: 230 NSF

This room shall be sized for up to 12 people at a conference table with chairs. Size room with computer table and small work space with desk chair.

PRIVATE TOILET ROOM: 42 NSF

This room to be located directly to the clerk of courts office. This room shall be sized for ADA accessibility.

EXECUTIVE AREA STORAGE: 48 NSF

This room shall provide space for storage of supplies and equipment for the executive area.

COURT FACILITY

CLERK OF COURTS SUMMARY

RECEPTION	600
OPEN OFFICE	1,220
STORAGE (1)	500
STORAGE (2)	600
STORAGE (3)	240
RECORD ROOM	600
ADMIN BOOKKEEPER OFFICE	120
BOOKKEEPING	152
TECHNOLOGY OFFICE	350
COPY ROOM	120
STAFF TOILET	312
WAITING AREA	50
ADMIN ASSISTANT OFFICE	144
CHIEF DEPUTY CLERK OFFICE	160
CLERK OF COURTS OFFICE	280
CONFERENCE ROOM	230
PRIVATE TOILET	42
STORAGE	48
	5,768 NSF
	<u>X 135%</u>
Total for this department.....	7,787 GSF

- For this type of space, add 35% for wall thickness, corridors, mechanical equipment room etc.

COURT FACILITY

PROSECUTOR'S OFFICE

RECEPTION CORRIDOR – Estimated Area: 144 SF

Provide a corridor that opens into the public space and extends to the Courts and related areas.

CONFERENCE ROOMS – Estimated Area: 3 x 110 SF each = 330 SF

Provide three small conference rooms opening onto the reception corridor. Each room shall be sized for a conference table to seat six. Under each table shall be an outlet for a computer and power.

This abbreviated suite shall share staff toilet rooms in other areas of the building.

PROSECUTOR'S OFFICE SUMMARY	
RECEPTION CORRIDOR	144
CONFERENCE ROOMS	<u>330</u>
Net usable area	474 NSF
	<u>x 135%</u>
Total for this department.....	616 GSF
<ul style="list-style-type: none">• For this type of space, add 35 % for wall thickness, corridors, mechanical equipment room etc.	

COURT FACILITY

POLICE FACILITY

This space shall have a private controlled vehicle entrance to the interior of the building and a controlled "man door" entrance.

SALLY PORT – Estimated Area: 540 SF

This space shall be an enclosed secure garage type area that will be sized to accept a van that seats 15. The room shall have a separate HVAC system that will exhaust combustion engine fumes. The room shall have a weapons locker and controls on doors to allow interior doors to open only when the exterior door is closed and locked.

STAFF ROOM – Estimated Area: 240 SF

Shall be fitted with counter and sink, refrigerator and space for a desk, computer el, desk chair and a small table and chairs to seat four. This room shall be situated such that the police staff can see directly into all of the holding cells.

POLICE STAFF/TOILET ROOM – Estimated Area: 42 SF

Provide a single unisex person ADA toilet room.

INTERVIEW ROOM – Estimated Area: 100 SF

Provide one conference room for use of defense attorney and prisoner. The room shall be sized for table and chairs to seat up to four fitted with a computer outlet.

HOLDING ROOMS – 1560 NSF

Provide 4 multiple occupancy holding cells sized to accommodate up to six prisoners. Allow 60 NSF/prisoner. Also 2 single person cells (violent prisoner) allow 60 NSF/prisoner.

COURT FACILITY

POLICE FACILITY SUMMARY

SALLY PORT	540
HOLDING ROOMS	1080
STAFF ROOM	240
STAFF TOILET	50
INTERVIEW ROOM	<u>100</u>
Net usable area	2,490 NSF
	<u>x 140%</u>

Total for this department.....3,486 GSF

- For this type of space, add 40% for wall thickness, corridors, mechanical equipment room etc.

COURT FACILITY

PUBLIC SPACE

PUBLIC LOBBY – Estimated Area: 1500 SF

This space shall have security at the entrance and shall be large enough to handle the crowds that will be attending the various events and further allow public circulation to all departments of the court.

PUBLIC REST ROOMS – Estimated Area: 2 x 300 SF = 600 SF

Accessible toilet rooms for public.

STAIRS AND ELEVATORS – Estimated Area: 1100 SF

PUBLIC SPACE SUMMARY	
PUBLIC LOBBY	1500
PUBLIC REST ROOMS	600
STAIRS AND ELEVATORS	<u>1100 SF</u>
Total this area	4,160 GSF

COURT FACILITY

COMMON STAFF SPACE

LUNCH ROOM LOUNGE – Estimated Area: 800 SF

For the staff of all court departments. Provide lunch dining space for 32 people seated at tables for four; a counter with double sink, disposal, microwave and under counter dishwasher. Provide two (2) 20.9 cu.ft. refrigerator/freezer units. Size room to include, in addition to above, two sofas, four upholstered easy chairs, one 3' x 3' game table and chairs, four wood end tables fitted with lamp and two floor lamps.

COMMON STAFF SPACE	
LUNCH ROOM LOUNGE	800
Total this area.....	800 GSF

COURT FACILITY

BUILDING SUMMARY

COURT AND RELATED AREAS	12,922 GSF
COURT ADMINISTRATOR	4,620 GSF
CLERK OF COURTS	7,787 GSF
PROSECUTOR	616 GSF
POLICE	3,886 GSF
PUBLIC	4,160 GSF
COMMON STAFF SPACE	<u>800 GSF</u>
TOTAL	34,791 GSF

COURT FACILITY

BUILDING CODE/ ADA REQUIREMENTS

The facility shall meet all applicable building and zoning codes including all ADA requirements.

PARKING

Provide for 120 parking spaces with no handicap spaces.

Secured Staff Parking

Provide one secured (6' high chain link fence with locked gate) parking area for 60 vehicle spaces. This area shall be adjacent (within 50') of a building entrance. Four of these spaces shall have roof cover. Entry to this parking area shall be through an electronically controlled gate (card access).

Public Parking

Provide space for 60 parking spaces for visitors. The parking area shall be within 300' of the public entrance.

Pavement

All parking areas shall be paved and properly drained into catch basins. The paved areas meet all requirements of "storm water retention" that local codes require. All parking areas shall be lighted.

SOUND ATTENUATION

A facility of this type has many meetings, inquiries, discussions, etc. that are sensitive and private. For this reason, it is imperative that sound transmission between rooms must be limited to an acceptable level.

Between all occupied rooms there shall be a room to room STC rating of 52. To achieve this, attention must be paid to doors, cracks, ductwork, electrical outlet location, etc., as well as the actual construction of the walls.

SECURITY / ALARM SYSTEM

The public entrance into the facility shall be fitted with a built in magnetometer and hand wand. Adjacent to the detector shall be a small counter; this shall be the building guard station.

All exit ways, which in most cases also serve as staff entrances, shall be fitted with a card access system that records date, time and identify all who enter. Further, the system shall be capable of reprogramming. Further, each exit door will be fitted with a CCTV camera that transmits images to two TV monitors that will be located at the "building guard station" in the public lobby. Provide three CCTV cameras on three of the parking lot light poles that will transmit images to a third monitor at the "building guard station".

COURT FACILITY

Provide a "panic" silent alarm system. In each courtroom there shall be an alarm button at the judge's or magistrate's bench and the bailiff's station. Further, at all reception areas wherever a staff person meets with public, provide an alarm button. All alarm button wiring shall terminate at the "building guard station". There shall be a panel at this location that identifies the location of the alarm.

TECHNOLOGY

The building shall be equipped with a network of category 5, enhanced wire, with terminations at each end. These wires shall run from each computer location to one of the two "wire rooms" that are called for in the "Architectural Program".

TELEPHONE SYSTEM

The facility shall be fitted with a complete telephone system including wiring, outlets, terminal boards and related elements. The system shall utilize the latest technology available to the Cit of Youngstown and shall be capable of supporting up to 90 telephones and up to 30 outside lines.

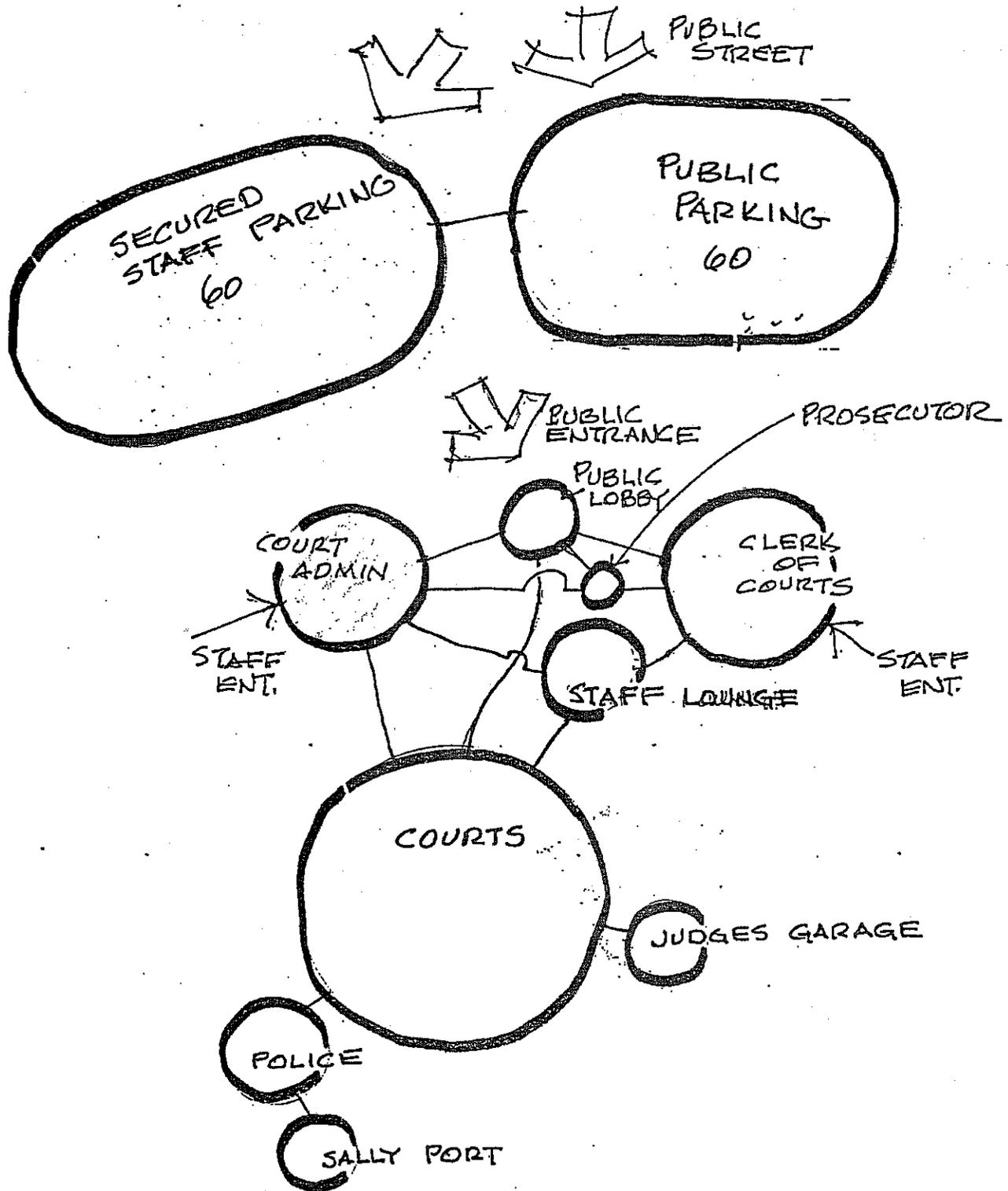
The telephone system shall have the ability for ISDN RRI circuits, voice over IP abilities and interactive voice response (IVR). Further, the system shall have the ability to provide management reports, caller ID (with call routing), and call management software.

Initially the facility shall be fitted with 70 telephones for use in offices and other occupied spaces and two public pay phones to be located in the public lobby.

HEATING, VENTILATING AND AIR CONDITIONING

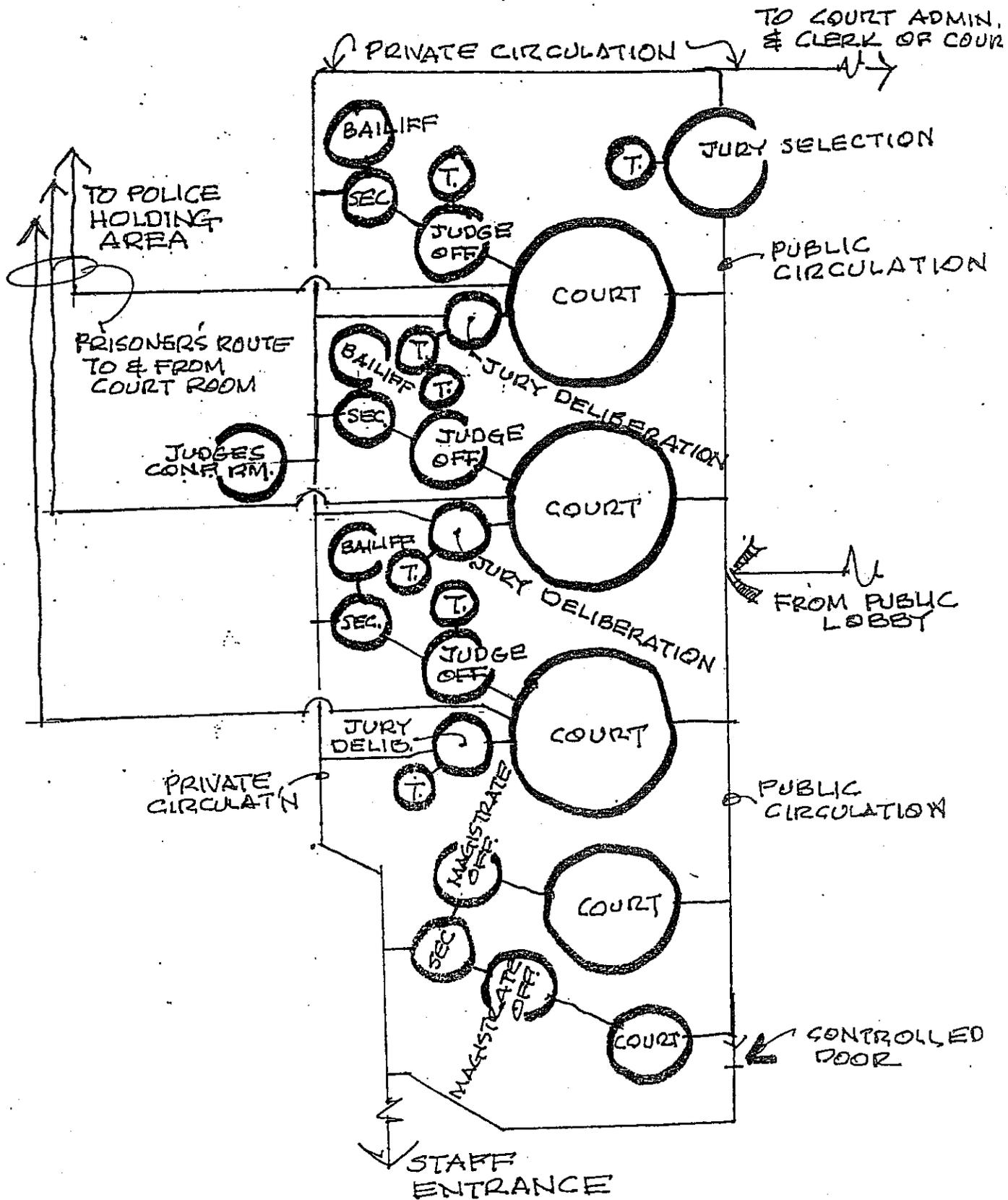
The facility shall have a heating, ventilating, and air conditioning system, along with up-to-date temperature control equipment, that is capable of keeping all occupied spaces at 72° (± 1°). The system shall be capable of providing up to 10% outside (fresh) air.

ADJACENCY DIAGRAM ENTIRE FACILITY



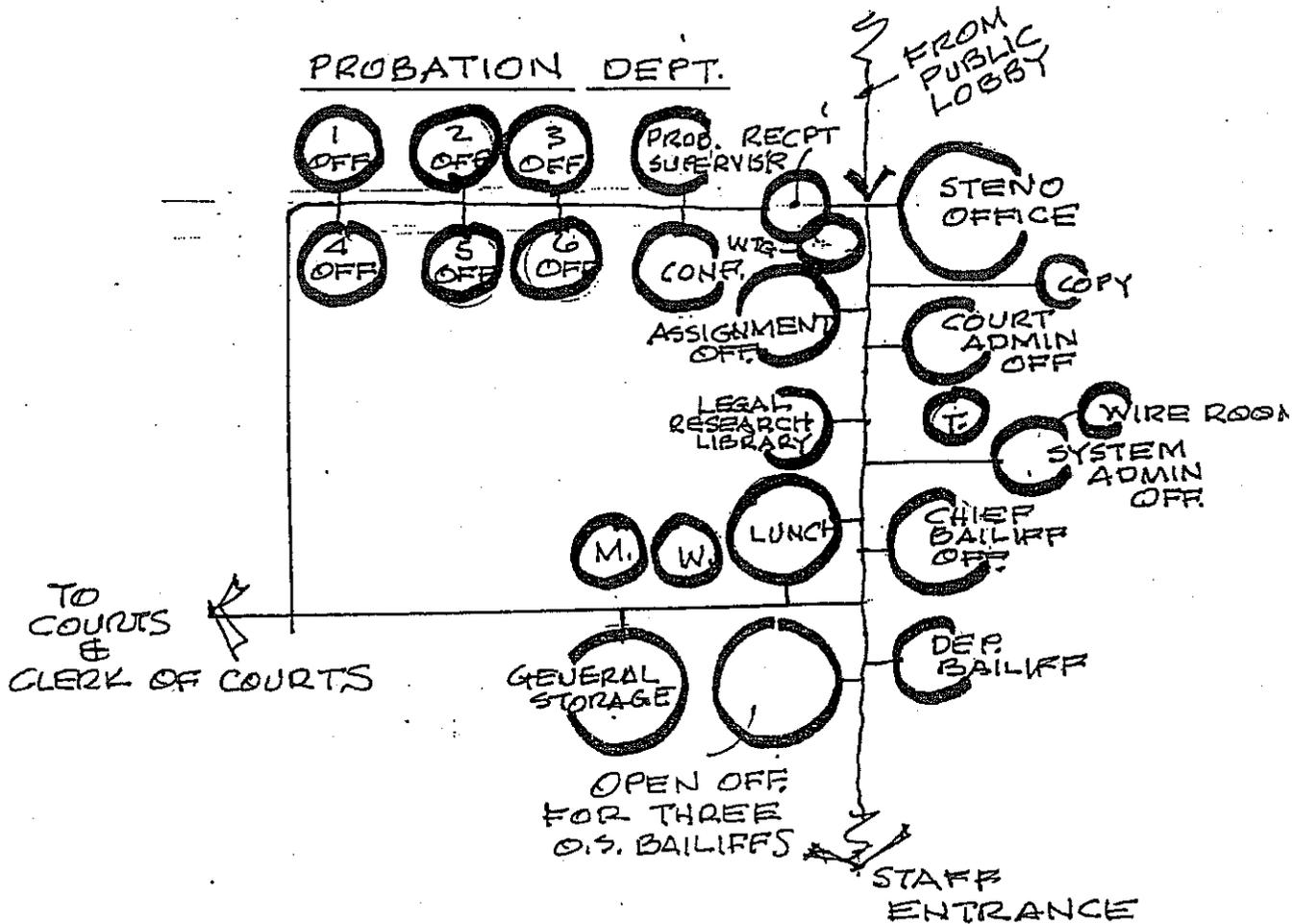
ADJACENCY DIAGRAM

COURTS

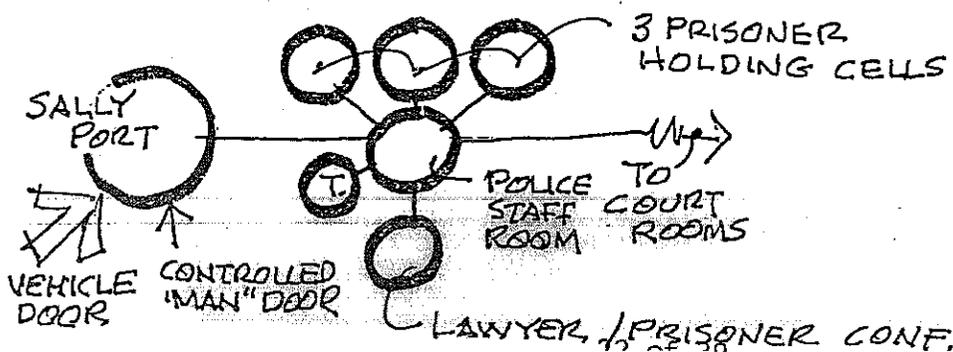


ADJACENCY DIAGRAM

COURT ADMINISTRATOR

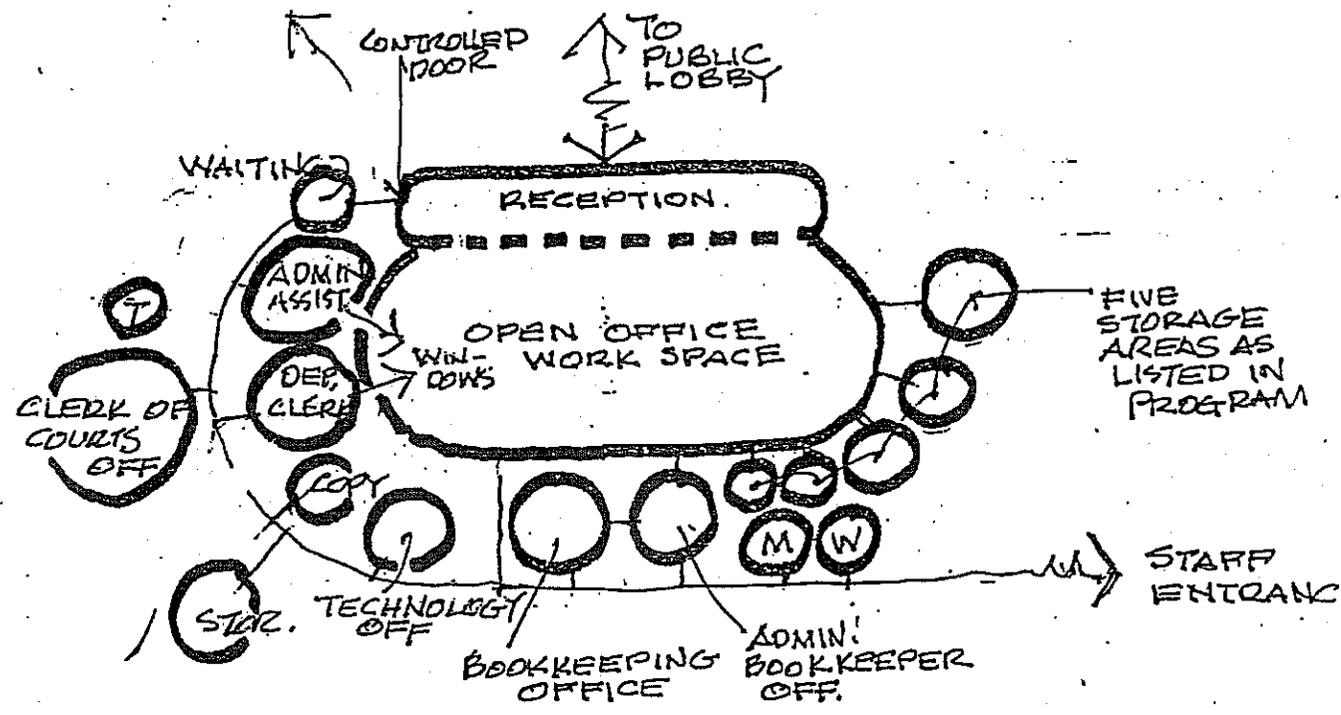


POLICE

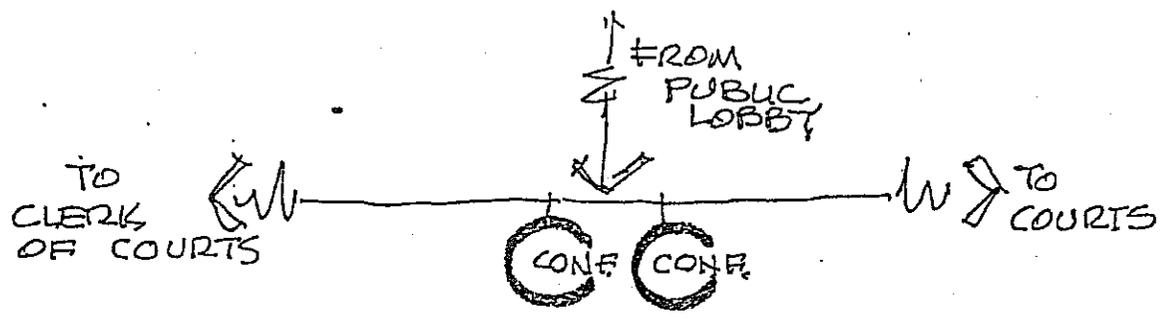


ADJACENCY DIAGRAM

CLERK OF COURTS



PROSECUTOR



YOUNGSTOWN POLICE DEPARTMENT SPACE REQUIREMENTS

Planning & Training	1,080 GSF
Training Center	5,190 GSF
Detective Bureau	3,410 GSF
Internal Affairs	885 GSF
Juvenile	1,735 GSF
Crisis Intervention	940 GSF
Crime Lab	2,185 GSF
Vice Squad	2,505 GSF
911 Call Center	3,475 GSF
Street Crimes	1,545 GSF
Police Chief	1,365 GSF
Patrol Division	6,060 GSF
Traffic	1,125 GSF
Information Services	885 GSF
Fiscal Management	795 GSF
Vehicle Maintenance	7,075 GSF
Evidence Storage	1,890 GSF
Common	8,195 GSF
<u>Building Services</u>	<u>1,945 GSF</u>
Total	52,285 GSF

PLANNING & TRAINING 1,080 GSF

Required Suite Area: Offices (800 NSF)(1.35) = 1,080 GSF

Number of Employees: 5

General requirements: Adjacent to the Training Center.

Space requirements: Captain Office: 100 NSF
One desk with 2 visitor chairs or small couch, computer, telephone.

Open office: 300 NSF
Shared open office for 1 Lieutenant, 1 Detective and 1 Detective Sergeant, each with a desk, computer and telephone, one shared printer and one shared fax machine, 7-8 vertical files, access to a photocopier.

Weapons Room: 240 NSF
Inside of secured area of police station, controlled access. One desk, 1 workbench with parts storage and task lighting, computer, telephone, 2 vertical files, concrete floor, solvent disposal area, parts washer, fire extinguishers, secured construction, visually monitored in the 24-hour area of station, metal service sink, special racks required to hold large weapons. Requires separate alarm system from rest of building.

Ammunition Storage: 80 NSF
Fire rated enclosure, controlled access, located in basement, metal storage shelving, concrete floors.

Supply Room: 80 NSF
24" deep shelves, floor to ceiling

TRAINING CENTER

5,190 GSF

Required Suite Area: Offices (3,705 NSF)(1.40) = 5,190 GSF

General requirements: Indoor Shooting Range can be separated from rest of Training Center due to special construction, adjacent to Planning & Training.

Space requirements: Indoor Shooting Range: 1,500 NSF
3-5 lanes, 5' wide by 75' long, adjacent to Instruction Area, special ventilation and sound retention requirements, bulletproof construction, provide for special lighting and simulation system to be installed (possibly at a later date), direct access to Instruction Area.

Instruction Area: 400 NSF
Direct access into Indoor Shooting Range, 3-5 "booths" for the shooting lanes, special ventilation and sound retention requirements, provide for special lighting and simulation system to be installed (possibly at a later date), bulletproof construction, 3'x3' closet, small counter with sink for hand washing.

Roll Call Room: 1,800 NSF
Presentation Room with seating for 50-75 at fixed tables on tiered floor, projection capabilities (rear screen projection preferred), multiple white boards and bulletin boards, area for coats and equipment storage, chairs without arms, weapons clearing area.

Weapons Clearing Area: 5 NSF
Special metal box for clearing weapons inside of Roll Call Room, can be mounted in an exterior wall or can be placed on a tabletop facing an exterior wall.

DETECTIVE BUREAU

3,410 GSF

Required Suite Area: Offices (2,525 NSF)(1.35) = 3,410 GSF

Number of Employees: 21

General requirements: Adjacent to Crime Lab, Close proximity (same floor) as Records Room.

Space requirements: Detective Office: 1450 NSF
Desks for 18 detectives with laptop, telephone, and shared printers. Space also includes 4 reference computers tied to outside agencies on a separate work surface, one shared photocopier, one-way mirror into Line Up Room.

Captain Office: 120 NSF
Desk, computer, telephone, 4 visitor chairs, monitor to observe video in progress in interrogation rooms (3-way switch).

Lieutenant Office: 120 NSF

Desk, computer, telephone, 2 visitor chairs, adjacent to Roll Call Room with window into Roll Call room.

Secretary: 120 NSF

Desk, computer, telephone, fax, typewriter, 3 filing cabinets.

(3) Interview Rooms: 85 NSF each = 255 NSF

Table with 4 chairs, recording equipment (camera and monitor mounted on wall).

Filing Room: 200 NSF

High density filing unit (equivalent of 35 filing cabinets).

Line Up Room: 180 NSF

Adjacent to Detective Office, background wall painted black.

Supply Room: 80 NSF

Adjacent to secretary office, floor to ceiling shelving.

INTERNAL AFFAIRS 885 GSF

Required Suite Area: Offices (657 NSF)(1.35) = 885 GSF

Number of Employees: 3

General requirements: Adjacent to Chief's Office, separate security from rest of department.

Space requirements: Waiting Area: 100 NSF

Captain Office: 120 NSF

One desk with 2 visitor chairs, computer, telephone.

(2) Detective Sergeant: 100 NSF each = 200 NSF

One desk with 2 visitor chairs, computer, telephone.

Interview Room: 85 NSF

Table with 4 chairs, recording equipment (camera and monitor mounted on wall), computer voice stress analyzation system with printer (on laptop), incandescent lighting and sound attenuation (voice system is very sensitive to sound).

File Room: 72 NSF

10 file cabinets.

Supply Room: 80 NSF

Shared with Chief's Office, floor to ceiling shelves.

JUVENILE 1,735 GSF

Required Suite Area: Offices (1,286 NSF)(1.35) = 1,735 GSF

Number of Employees: 10

General requirements: This department should be adjacent to the Office of Crisis Intervention.

Space requirements:

Secretary/Reception Area: 300 NSF

Open office area with secretary workstation and waiting area for 10, transaction counter, computer, telephone, photocopier, fax, typewriter, direct access to filing area.

Detective Sergeant: 85 NSF

One desk with 2 visitor chairs, computer, telephone, file cabinets, bookshelf.

Police Office: 385 NSF

Desks for 5 Police Officers, each with 1 visitor chair, computer and telephone, 3'x3' closet with shelves floor to ceiling.

Diversion Office: 250 NSF

Desks for 3 Diversion Officers with 5 visitor chairs, computer, telephone, adjacent to Sergeant's Office.

File Room: 96 NSF

18 file cabinets.

(2) Interview Rooms: 85 NSF each = 170 NSF

Table with 4 chairs, recording equipment (camera and monitor mounted on wall).

CRISIS INTERVENTION

940 GSF

Required Suite Area:

Offices (695 NSF)(1.35) = 940 GSF

Number of Employees:

6

General requirements:

This department should be adjacent to the Juvenile Division, as they share one department head.

Space requirements:

Reception Area: 100 NSF

Wait area for 2-3 people, direct access to secretary in Juvenile Division, but separated by glass wall, able to be visually monitored by Secretary, good sound retention, small children's play area.

Lieutenant Office: 100 NSF

One desk with 2 visitor chairs, computer, telephone.

Interview Room: 85 NSF

Table with 4 chairs (child size, padded informal furniture), recording equipment (camera and monitor mounted on wall).

Social Worker: 85 NSF

One desk with 2 visitor chairs, computer, telephone.

Sergeant Office: 85 NSF

One desk with 2 visitor chairs, computer, telephone.

Police Office: 240 NSF

Desks for 3 Police Officers, each with 1 visitor chair, computer and telephone.

CRIME LAB 2,185 GSF

Required Suite Area: Offices (1561 NSF)(1.40) = 2,185 GSF

Number of Employees: 10

General Requirements: Adjacent to Records Department and Detective Bureau, in secured area of Police Station.

Space requirements:

Secretary: 120 NSF
Open office area with one workstation and files, contiguous with Police Office.

Police Office: 325 NSF
Desks for 4 Police Officers, each with 1 visitor chair, computer and telephone, and one evidence safe (2'x3'x4').

Detective Office: 100 NSF
Adjacent to Police Office, desk, 2 visitor chairs, computer, telephone, bookshelf.

File Room: 72 NSF
Adjacent to Police Office and Secretary, 10-12 cabinets.

Darkroom: 220 NSF
Adjacent to Police Office, color and black and white photo processing (220 power for color processor needed), fixed casework, chemical storage, chemical resistant counters, refrigerator, hot water tank, safe lights, rubber flooring, no windows, counter sink for hand washing and service sink, special exhaust and odor control.

Evidence Laboratory: 260 NSF
Direct access to drying room, minimum of 9 lineal feet of full height cabinets, lockable base cabinets, 14 lineal feet of evidence lockers, ballistic testing box (water recovery system preferred), chemical resistant counters, refrigerator, butcher paper dispenser, double counter sink, natural light preferred, 4' wide entry door, special exhaust and odor control, secured construction.

Evidence Drying Room: 40 NSF
Direct Access from Evidence Lab only, with limited access, clothes hanging rods, special ventilation and odor control.

Bomb Squad: 144 NSF
Shared office containing desk, 1 visitor chair, computer, telephone, 4 file cabinets.

Supply Room: 80 NSF
Floor to ceiling shelving.

Ballistic Room: 200 NSF
Shared office with 3 workstations at continuous counter with base cabinets below, continuous plugmold around room, DAS data

machine, static dissipative flooring, no windows, 3 computers, 3 telephones, secured construction.

VICE SQUAD 2,505 GSF

Required Suite Area: Offices (1,855 NSF)(1.35) = 2,505 GSF

Number of Employees: 11

General Requirements: Requires three entrances/exits – one from the exterior for visitors, one from the exterior for Police Officers and one from inside of the Police Station. Access to Training and Roll Call room is important, adjacent to the Street Crimes Division, requires 3 parking spaces near visitor entrance. Visitor entrance to Vice Squad should not be visible from main visitor entrance to lobby of Police Station.

Space requirements:

Lieutenant Office: 120 NSF

One desk with 2 visitor chairs, computer, telephone, interior window into open office area, 8 file cabinets, file cabinet safe (increased floor load).

Sergeant Office: 85 NSF

Desk, 2 visitor chairs, computer, telephone.

Police Office: 380 NSF

Desks for 6 Police Officers, each with 1 file cabinet, computer and telephone, whiteboards, adjacent to Clerk Office.

Court Detail: 120 NSF

2 desks, 2 visitor chairs, one computer, 2 telephones, scale on counter, 12 lineal feet of lockable base and wall cabinets with hand wash sink, 5-6 file cabinets, 2 tall storage cabinets, no windows if located on the first floor.

Restroom: 40 NSF

ADA compliant unisex bathroom, adjacent to Interview Rooms.

Evidence Room: 336 NSF

Divided into two 12'x14' rooms with one shared 4' entrance door, secured construction, concrete floors, special ventilation, odor control, no windows, telephone, movable metal shelving (floor to ceiling), door hardware to use punch code in lieu of lockset.

Equipment Room: 120 NSF

Storage room for electronic equipment, secured door, no windows, wood storage shelving (metal frames), cement floor, extra outlets to charge batteries for equipment.

File Room/Library: 140 NSF

4-5 bookshelves, 12-15 file cabinets, direct access to Clerk and Police Office area, adjacent to Court Detail.

(2) Interview Rooms: 85 NSF each = 170 NSF

Table with 4 chairs, recording equipment (camera and monitor mounted on wall), direct access from hallway connecting Reception area and Police Office only, not accessible from rest of office, floor mounted rings to secure prisoners.

Computer Room: 144 NSF

5 computer workstations, 2 printers, 2 court terminals all located on continuous counter with knee space below.

Conference Room: 200 NSF

Accommodate 8-10 people at one table.

911 CALL CENTER

3,475 GSF

Required Suite Area:

Offices (2,572 NSF)(1.35) = 3,475 GSF

Number of Employees:

7

General Requirements:

3-5 call takers on shift at one time.

Space requirements:

Detective Sergeant: 168 NSF

Desk, 3 visitor chairs, 3 bookshelves, file cabinet, paper shredder, computer, telephone, direct access to CAD Server Room.

Equipment Room: 120 NSF

UPS battery backup system (1 cabinet), main phone board, 911 call log printer, voice logger, storage shelving, static dissipative flooring, fire rated walls, humidity and temperature controls for sensitive electronic equipment, parabolic lighting, 220 power may be required, plugmold, no windows, computer access flooring system with no floor covering, separate air conditioning unit.

Supervisor Office: 100 NSF

Desk, 2 visitor chairs, computer, telephone, direct access to Call Center, shared by 4 supervisors.

Call Center: 2000 NSF

Controlled access to this space, 3 call stations, 4 dispatch stations (1 fire, 2 police, 1 backup), binder carousel for each station, additional computer for internet access at separate desk area, direct access to ADA unisex bathroom, employee area for storage of forms and binders on bookshelves.

Include small break area with refrigerator with icemaker, microwave, sink, base cabinet with coffee maker, parabolic and task lighting, air filtration system, soundproof construction, separate air conditioning unit.

Main building security system monitors and city maps to be visible from all 6 call and dispatch stations, Youngstown Fire Department main frame computer connection, typewriter, National Weather Service equipment. Additional electrical requirements for other equipment.

Adjacent 3'x4' coat room for employees.

Restroom: 40 NSF

ADA compliant unisex bathroom, direct access from Call Center.

Storage Room: 80 NSF

4 file cabinets, fire resistant cabinet, storage shelving for portable radios, fire rated construction.

CAD Server: 64 NSF

Access through Detective Sergeant Office only, separate air conditioning unit, technology equipment rack and computer station.

STREET CRIMES 1,545 GSF

Required Suite Area: Offices (1,145 NSF)(1.35) = 1,545 GSF

Number of Employees: 11

General Requirements: Adjacent to Police Chief's Office suite.

Space requirements: Detective Sergeant: 100 NSF

Desk, 2 visitor chairs, computer, telephone, lateral file cabinet, lockable cabinet for shotguns.

Police Office: 960 NSF

Desks for 10 Police Officers, 10 visitor chairs, each with 1 computer and telephone, 2 shared printers, 3-4 file cabinets, photocopier and fax machines.

Interview Room: 85 NSF

Table with 4 chairs, recording equipment (camera and monitor mounted on wall).

POLICE CHIEF 1,365 GSF

Required Suite Area: Offices (1,010 NSF)(1.35) = 1,365 GSF

Number of Employees: 2

General requirements: Should be located adjacent to the main entrance.

Space requirements: Police Chief: 400 NSF

Desk, credenza, bookshelves, 5 visitor chairs or small couch, computer, television, private telephone line in addition to office line, direct access to private bathroom, secured exit not accessible to public.

Restroom: 80 NSF

Direct access from Police Chief Office, include shower.

Conference Room: 200 NSF

Direct access from Chief's Office and Secretary, accommodate 8-10 people at one table.

Secretary: 250 NSF

Secretary workstation, waiting area for 4, 6-7 file cabinets, private fax machine, paper shredder.

Supply Room: 80 NSF

Access directly from Secretary Area, shelving floor to ceiling.

PATROL DIVISION 6,090 GSF

Required Suite Area: Offices (4,511 NSF)(1.35) = 6,090 GSF

Number of Employees: 122

General requirements: Should be located adjacent to the Roll Call Room and the Traffic Division. There are 3 rotating turns of Police Officers on Staff.

Space requirements: Turn Commander: 144 NSF

Desk, 2 visitor chairs computer, telephone, 3-4 building security monitors, computer monitor for patrol car locations, direct telephone line to 911 Call Center, 3'x6' work table for radio charging equipment, directly adjacent to Sergeant Office and Patrol Commander.

Report Room: 300 NSF

Forms storage, report taking counter (1 police officer and 4 visitors), small counter area for media personnel with computer, fax and photocopier, 12 lineal feet of casework, adjacent to main lobby and waiting area and receptionist.

Patrol Clerks: 200 NSF

Open office area directly adjacent to Traffic Clerk, Patrol and Turn Commanders and Sergeant Office, 2 workstations, 2 file cabinets, 4'x8' forms storage area on wall above work surfaces, bulletproof enclosure between this area and public area, visual access to main lobby and waiting areas, general information transaction counter (directly adjacent to traffic transaction counter) with bulletproof windows, speak-thrus and package passers, direct access to Interrogation Room.

Index Office: 144 NSF

Direct access to TAC Office, custom workstation with 2-3 computers, telephone, printer, shredder, 2 bookshelves, 10-12 file drawers under work surface, all equipment in this space must be accessible without leaving task chair.

TAC Office: 168 NSF

Direct access to Index Office, custom workstation for 2 people (one training station) with 4 computers, printer, telephone, 8-10 file drawers under work surface.

Locker Room (Men): 2,400 NSF

Individual equipment lockers for 130 police officers or other staff without individual office space, wood benches for changing, toilets, sinks, shower area.

Locker Room (Women): 450 NSF

Individual equipment lockers for 20 police officers or other staff without individual office space, wood benches for changing, toilets, sinks, shower area.

Sergeant Office: 320 NSF

2 desks, 2 computers, 2 telephones, 4 person conference table, 6 file cabinets, 1'x2' gun cabinet, 3'x6' worktable, 3'x3' coat closet.

Patrol Commander: 120 NSF

Desk, 2 visitor chairs, 1 file cabinet, computer, telephone.

Storage: 80 NSF

Directly adjacent to Turn Commander and Sergeant, shelving floor to ceiling.

BAC Room: 80 NSF

8 lineal feet of base cabinets (file drawers only) with breathalizer machine on counter, direct access to BAC Holding Cell.

BAC Holding Cell: 40 NSF

Direct access from BAC room only, cleanable surfaces, floor drain, hose bibb, door with vision panel, secured construction, fixed bench, detention ring in wall, no windows, special exhaust.

Temporary Evidence Storage: 65 NSF

8 lineal feet of evidence lockers, refrigerator with freezer, special exhaust, concrete floors, secured construction, no windows, controlled access.

TRAFFIC

1,125 GSF

Required Suite Area:

Offices (835 NSF)(1.35) = 1,125 GSF

Number of Employees:

11

General requirements:

Should be located adjacent to the Patrol Division.

Space requirements:

Traffic Clerk: 150 NSF

Open office area directly adjacent to Patrol Clerk, workstation, file cabinets, 4'x4' forms storage area on wall above work surface, bulletproof enclosure between this area and public area, visual access to main lobby and waiting areas, general information transaction counter (directly adjacent to patrol transaction counter) with bulletproof windows, speak-thrus and package passers.

Interview Room: 85 NSF

Table with 4 chairs, recording equipment (camera and monitor mounted on wall), adjacent to Reception Clerk area of Patrol Division.

Traffic Commander: 100 NSF

Desk, 2 visitor chairs, 1 file cabinet, computer, telephone.

Traffic Investigators: 420 NSF

Shared office for 4, each with 1 desk, 1 visitor chair, computer, telephone, and file cabinet, 1 drafting table.

Storage: 80 NSF
24" deep x 24" high shelves one side of room only.

INFORMATION SERVICES 885 GSF

Required Suite Area: Offices (655 NSF)(1.35) = 885 GSF

Number of Employees: 1

General requirements: Two generators are needed: one for the 911 Call Center and the other for general building functions such as Records Room, Turn Commander, all switches in technology closets, Chief's Office, Holding facility, main reception and Network Administrator.

Space requirements: Network Administrator: 125 NSF
Desk, 1 visitor chair, 1 file cabinet, computer, telephone, 3'x5' work table.

Server Room: 400 NSF
Computer access flooring (no covering), temperature and humidity control (maintain 69-70 degrees), main telephone board for building, fire rated enclosure, no windows, 4' wide door, floor junction boxes on 4' grid, three T1 lines, UPS battery backup system to individual servers.

Storage: 120 NSF
24" deep x 24" high shelves one side of room only.

Technology Closets: 10 NSF
2'x3' closets as centralized in the building as possible.

FISCAL MANAGEMENT 795 GSF

Required Suite Area: Offices (590 NSF)(1.35) = 795 GSF

Number of Employees: 3

General requirements: Adjacent to Chief's Office.

Space requirements: Fiscal Officer: 120 NSF
Desk, 1 visitor chair, 2 file cabinets, 2 bookcases, computer, telephone.

Grant Writer: 100 NSF
Desk, 2 bookcases, computer, telephone.

Payroll Clerk: 100 NSF
Desk, computer, telephone, 2 printers.

Work Room: 120 NSF
3'x5' work table, 14" deep bookcases to accommodate roll call books and payroll records (min. 3 bookcases).

Common Office: 150 NSF

Direct access to all spaces listed above.

VEHICLE MAINTENANCE 7,075 GSF

Required Suite Area: Offices (5,055 NSF)(1.40) = 7,075 GSF

Number of Employees: 5

General requirements: Could be located offsite, within a reasonable distance, if space within the facility cannot be provided.

Space requirements:

Garage Foreman: 100 NSF

Desk, 1 visitor chair, computer, telephone, key cabinet, 3 file cabinets.

Garage: 3,500 NSF

4 work bays (2 with lifts) and 1 wash bay, parts washer on tabletop, various work benches, direct access to Parts Storage.

Small Parts Storage: 80 NSF

Direct access from Garage, metal storage shelving units.

Tire Storage: 400 NSF

Provide wall racks for storage.

Large Parts Storage: 400 NSF

Direct access from Garage, Storage of transmissions, doors, engines, direct access from Garage, metal storage shelving units.

Office/Break Room: 160 NSF

Table and chairs for 4 people, base and wall cabinets, sink, refrigerator, microwave.

Restroom: 40 NSF

Adjacent to Office/Break Room.

Special Projects Garage: 375 NSF

Adjacent to vehicle maintenance. If Vehicle Maintenance is remotely located, this function must be located adjacent to the police car parking area for the shift change for installations of radios, computers, etc., includes desk, 3'x6' work table, computer, telephone, sink in 8 lineal feet of base cabinets.

EVIDENCE STORAGE 1,890 GSF

Required Suite Area: (1,400 NSF)(1.35)= 1,890 GSF

Number of Employees: 1

General requirements: Located in a secured area of the building, such as the basement or near the holding cells.

Space requirements:

Evidence Storage: 1000 NSF

Desk, computer, telephone, secured construction, controlled access, special exhaust, odor control, metal storage shelving, evidence lockers, metal sink, floor drain.

Large Item Evidence Storage: 400 NSF

Can be an area enclosed by chain link fence inside of garage or basement area, concrete floor, concrete block walls.

COMMON 8,195 GSF

Required Suite Area: (5,854 NSF)(1.40)= 8,195 GSF

General requirements: Directly adjacent to holding facility.

Space requirements: Lobby: 700 NSF

Main entrance to Police Station, waiting area for 15+ people, access to public restrooms, two transaction counters (one for information and one for traffic).

Sallyport: 1,400 NSF

Secured garage drive-thru area to accommodate up to 4 vehicles or 2 full size vans, gun lockers, special exhaust, security cameras to main security office, direct access to secured vestibule, controlled access.

Secured Vestibule: 100 NSF

Direct access from Sallyport into secured corridor area, gun lockers, controlled access, secured elevator.

Conference Room: 170 NSF

Located in common area, 6-8 people.

Conference Room: 280 NSF

Located in common area, 10-12 people.

Record Room: 1000 NSF

Storage of large quantities of paper records, storage for reports, microfiche, fingerprint cards, 3 computer terminals on two separate transaction counters for public access, desks for 2 police officers and 3 clerks, each with computer and telephone. High capacity copy machine, special electrical for high density file units, 2 microfiche machines, direct access to Fingerprint Room.

Multipurpose Room: 564 NSF

Accommodate 24 people at tables and chairs, include 12 lineal feet of base and wall cabinets with double sink, space for microwave and refrigerator, water fountain, adjacent to Roll Call Room, direct access into 8'x8' room for vending machines (incl. in 564 total).

Fitness Room: 1,000 NSF

Accommodate 15-20 users at one time, can be located in basement.

Delivery Area: 400 NSF

Will double as evidence storage for cars, can be shared with Courts.

Fingerprint Room: 80 NSF

Direct access from Records Room, 6 lineal feet of base and wall cabinets for forms storage, single basin metal sink.

- (2) Coat Room: 70 NSF each = 140 NSF

Located for convenience of entire staff.

BUILDING SERVICES 1,945 GSF

Required Suite Area: (1,496 NSF)(1.30)= 1,945 GSF

General requirements: Directly adjacent to holding facility.

- Space requirements: (2) Janitor/Recycling: 6'x8', 48 NSF each = 96 NSF

Provide 3'x3' floor sink and mop hangers, room for recycling or trash bins on wheels.

- (5) Public Restrooms: 250 NSF each = 1000 NSF

Direct access from Lobby, and second floor restrooms.

General Building Storage: 400 NSF

Electrical Room(s): as required.

Mechanical Room(s): as required.

INFORMATION SUMMARY

REQUIRED FIRST FLOOR SPACES (APPROXIMATELY 25,000 GSF)

Lobby
Sallyport
Secured Vestibule
Traffic Division
Record Room
Fingerprint Room
Delivery
Patrol
Roll Call Room
Multipurpose Room
Detective Bureau
Vehicle Maintenance
Public Restrooms

This program does not include the required area for the Holding Cells, because they are included in the program area of the City Courts.

REQUIRED PARKING

Police Chief*	1
Vice Squad**	3
Employee Parking***	20
Public Parking***	20
Police Vehicles*	35
<u>Police Vehicle (turn change)**</u>	<u>6</u>
Total	85

*onsite, secured parking

**onsite, not necessarily secured

***offsite is acceptable, within a reasonable distance

COURT FACILITY

SITE SELECTION

SITE EVALUATION MATRIX:

The matrix was developed using the following criteria:

- Physical Characteristics
- Environmental Considerations
- Functional Considerations
- Urban Design Considerations

As can be seen from the matrix, sites 1 and 7 received the highest ratings. Site 7's close proximity to the Mahoning County Jail along with its capability to be connected directly to the Mahoning County Jail Facility and eliminates the need to transport prisoners through the use of vehicles, lead to its selection. Although site 5 received the third highest ranking, the building if located here would require multiple floors for the court facility where as site 1 and 7 would accommodate a single floor facility for the courts. In any instance, the police facility would be a multi-story facility. Another advantage to site 7 is the possible use of the adjacent Armory Building as a service and repair facility for the Police Department vehicles.

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**MAHONING COUNTY / YOUNGSTOWN JAIL FACILITY
SITE EVALUATION MATRIX
OCTOBER 10, 2003**

VALUE RANKING

- Extremely Important IV
- Very Important III
- Moderately Important II
- Not Very Important I

SITE COMPARISON

NUMERICAL VALUE

GRAPHIC VALUE

0.....	No Value / Null.....	⊕
1.....	Poor.....	⊕
2.....	Average.....	⊕
3.....	Better.....	⊕
4.....	Best	●

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MAHONING COUNTY / YOUNGSTOWN JAIL FACILITY
SITE EVALUATION MATRIX
OCTOBER 10, 2003

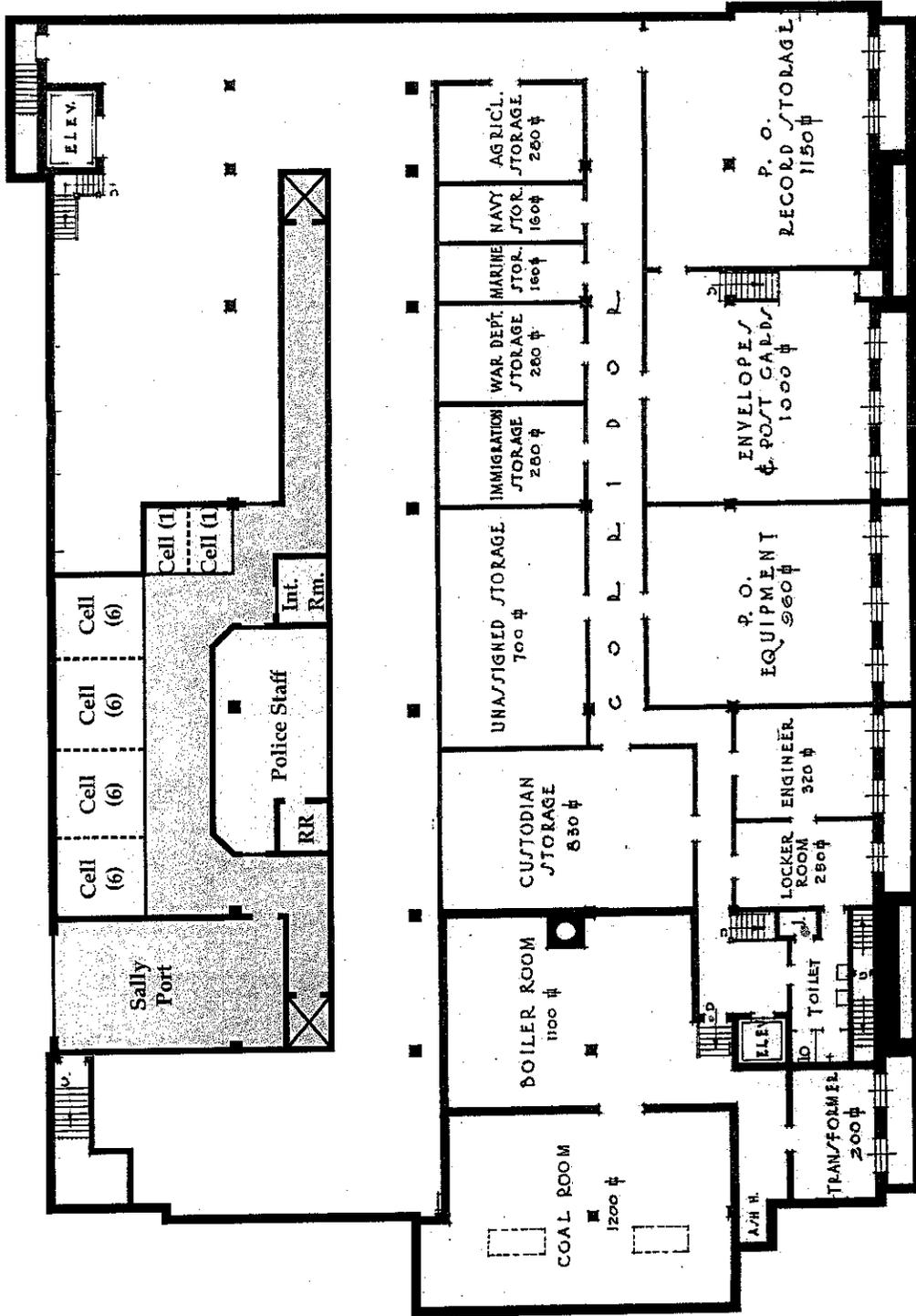
	VALUE RANKING	<u>SITE 1</u> Front St. @ Phelps	<u>SITE 2</u> Federal Plaza Masters Block	<u>SITE 3</u> Federal Plaza West	<u>SITE 4</u> East Boardman @ Champion	<u>SITE 5</u> SE Corner W. Wood & 5th	<u>SITE 6</u> W. Wood @ Hazel	<u>SITE 7</u> NW Corner Wood St. & 5th	<u>SITE 8</u> Wood St. @ Elm
1. PHYSICAL CHARACTERISTICS									
A. Site Areas – Sq. Ft. – Acres		260,000 sq. ft.	49,600 sq. ft.	49,600 sq. ft.	40,000 sq. ft.	48,000 sq. ft.	21,000 sq. ft.	181,000 sq. ft.	60,000 sq. ft.
B. Site has adequate holding capacity.	IV	⊕ ₀	⊕ ₀	⊕ ₀	⊕ ₀	⊕ ₀	⊕ ₀	● ₁₆	⊕ ₀
C. Site has least acquisition cost.	III	⊕ ₆	● ₁₂	● ₁₂	● ₁₂	● ₉	● ₉	⊕ ₃	⊕ ₀
D. Site has ease of land assembly.	II	● ₈	● ₈	● ₈	● ₈	● ₆	⊕ ₄	⊕ ₄	⊕ ₀
2. ENVIRONMENTAL CONSIDERATIONS									
A. Use is compatible w/ existing land use policies.	I	⊕ ₀	⊕ ₂	⊕ ₂	⊕ ₂	● ₃	● ₃	● ₄	● ₃
B. Use is compatible w/ existing zoning.	I	● ₄	● ₄	● ₄	● ₄	● ₄	● ₄	● ₄	● ₄
C. Site has minimum relocation impact.	III	● ₁₂	⊕ ₉	⊕ ₉	⊕ ₃	● ₁₂	⊕ ₆	⊕ ₃	● ₁₂
D. Site requires minimum demolition.	II	● ₆	⊕ ₀	⊕ ₀	● ₈	● ₈	● ₈	⊕ ₂	⊕ ₀
E. Site requires minimum investigation & removal of hazardous materials.	III	● ₉	⊕ ₀	⊕ ₀	● ₁₂	● ₁₂	● ₁₂	⊕ ₃	⊕ ₃
F. Site can accommodate open public area.	III	● ₁₂	⊕ ₀	⊕ ₀	⊕ ₀	⊕ ₀	⊕ ₀	● ₁₂	⊕ ₃
3. FUNCTIONAL CONSIDERATIONS									
A. Site is accessible for safety forces vehicles Ingress & Egress.	III	● ₁₂	● ₁₂	● ₁₂	● ₁₂	● ₁₂	● ₁₂	● ₁₂	● ₁₂
B. Site is accessible for deliveries – Ingress & Egress	III	● ₁₂	● ₁₂	● ₁₂	● ₁₂	● ₁₂	● ₁₂	● ₁₂	⊕ ₀

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	VALUE RANKING	SITE 1 Front St. @ Phelps	SITE 2 Federal Plaza Masters Block	SITE 3 Federal Plaza West	SITE 4 East Boardman @ Champion	SITE 5 SE Corner W. Wood & 5th	SITE 6 W. Wood @ Hazel	SITE 7 NW Corner Wood St. & 5th	SITE 8 Wood St. @ Elm
C. Site is adequately served by Utilities:									
- Sanitary / Storm	II	● ₈	● ₈	● ₈	● ₈	● ₈	● ₈	● ₈	● ₈
- Water	II	● ₈	● ₈	● ₈	● ₈	● ₈	● ₈	● ₈	● ₈
- Electric	II	● ₈	● ₈	● ₈	● ₈	● ₈	● ₈	● ₈	● ₈
- Gas	II	● ₈	● ₈	● ₈	● ₈	● ₈	● ₈	● ₈	● ₈
- Steam	I	● ₄	● ₄	● ₄	● ₄	● ₄	● ₄	● ₄	● ₄
- Telephone	II	● ₈	● ₈	● ₈	● ₈	● ₈	● ₈	● ₈	● ₈
D. Site has proximity / access potential to County Jail.	IV	⊕ ₄	⊕ ₈	⊕ ₈	⊕ ₀	● ₁₆	● ₁₂	● ₁₆	● ₁₂
E. Site can accommodate secured parking.	III	● ₁₂	⊕ ₀	⊕ ₀	⊕ ₀	⊕ ₃	⊕ ₃	● ₁₂	⊕ ₃
4. URBAN DESIGN CONSIDERATIONS									
A. Facility development has potential to enhance, improve existing blighted area.	III	● ₁₂	● ₁₂	● ₁₂	● ₉	● ₉	● ₉	● ₁₂	● ₁₂
B. Site can be developed so that courts & police facility will have dignified, street-front public image.	III	● ₁₂	● ₁₂	● ₁₂	● ₁₂	● ₁₂	● ₁₂	● ₁₂	● ₁₂
C. Site is easily accessible to Public Transportation Routes.	III	● ₁₂	● ₁₂	● ₁₂	● ₁₂	● ₁₂	● ₁₂	● ₁₂	● ₁₂
Total Numerical Score		177	147	147	150	174	162	183	132



Building Area

EXISTING AREA 20,900 s.f.
 GROSS NEW AREA 20,900 s.f.
 RENOVATED AREA 3,450 s.f.

Legend

- PROGRAM AREAS
- PUBLIC CIRCULATION
- SECURE CIRCULATION
- PRISONER CIRCULATION

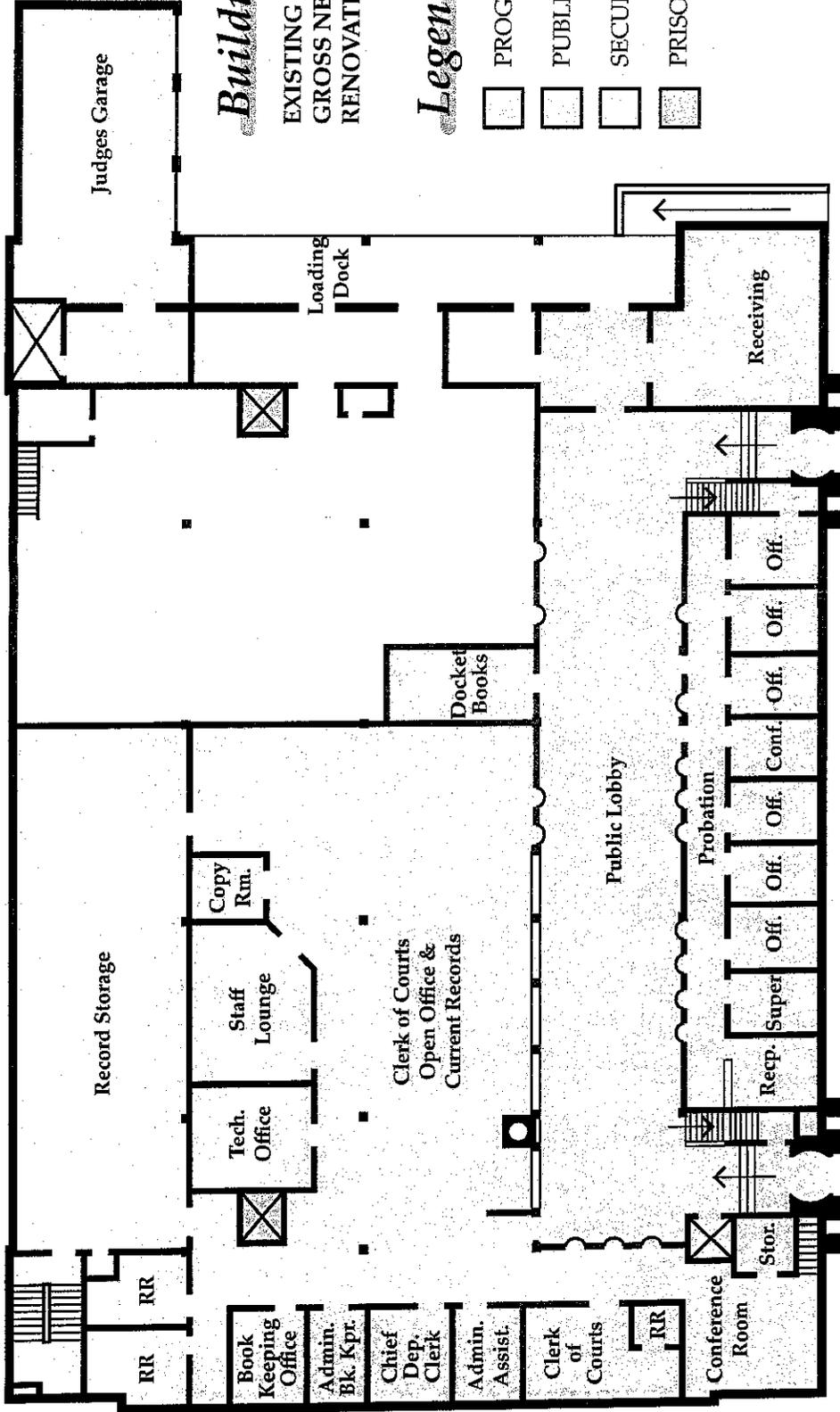


Basement Plan

SCALE: 1" = 16'-0"
 July 27th, 2009

Allocation of Building Space
 YOUNGSTOWN CITY HALL ANNEX BUILDING
 Youngstown Municipal Court





Building Area

EXISTING AREA	19,900 s.f.
GROSS NEW AREA	21,000 s.f.
RENOVATED AREA	17,000 s.f.

Legend

- PROGRAM AREAS
- PUBLIC CIRCULATION
- SECURE CIRCULATION
- PRISONER CIRCULATION

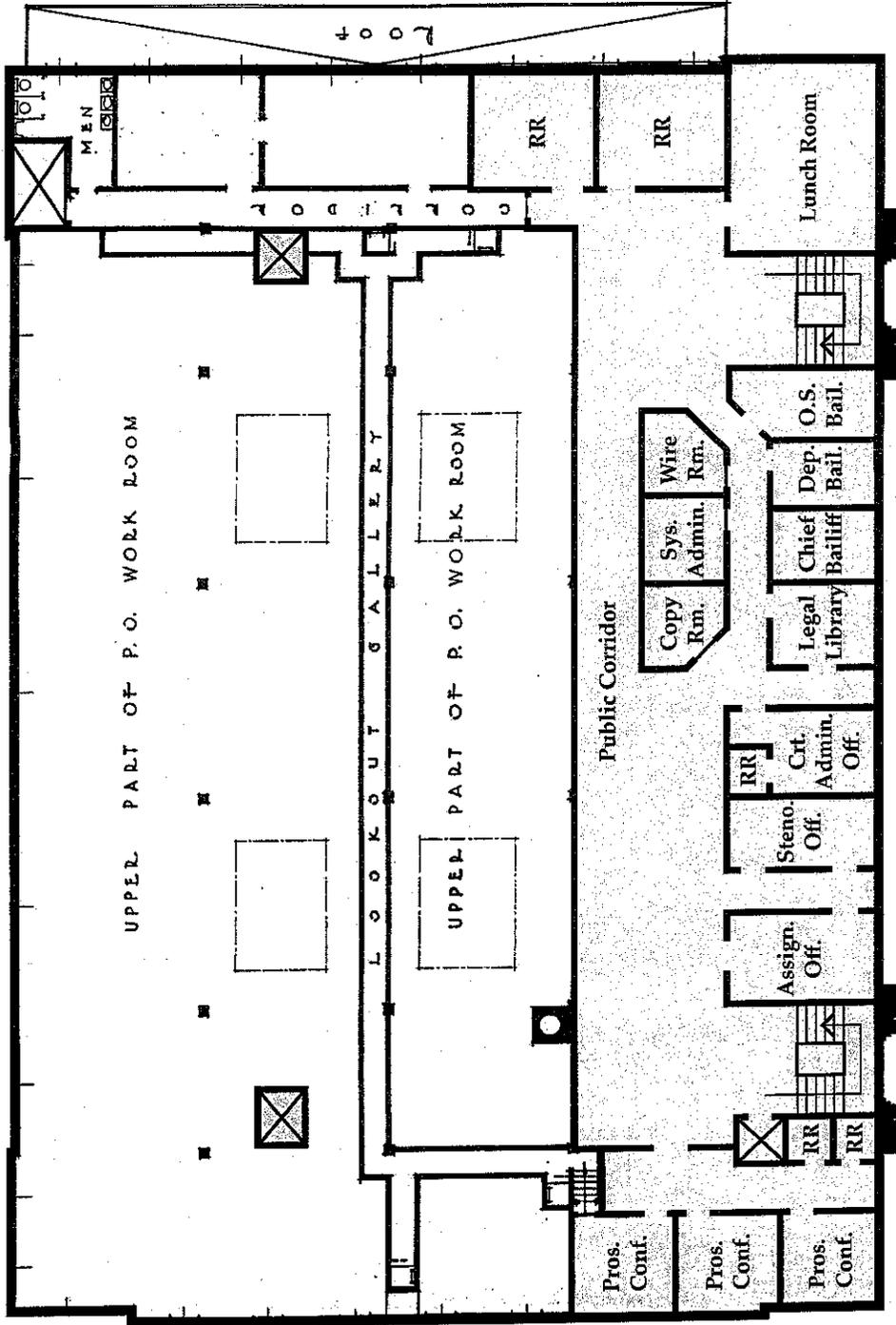
Allocation of Building Space
 YOUNGSTOWN CITY HALL ANNEX BUILDING
Youngstown Municipal Court



First Floor Plan

SCALE: 1" = 16'-0"
 July 27th, 2009





Building Area

EXISTING AREA	10,000 s.f.
GROSS NEW AREA	10,000 s.f.
RENOVATED AREA	8,190 s.f.

Legend

-  PROGRAM AREAS
-  PUBLIC CIRCULATION
-  SECURE CIRCULATION
-  PRISONER CIRCULATION

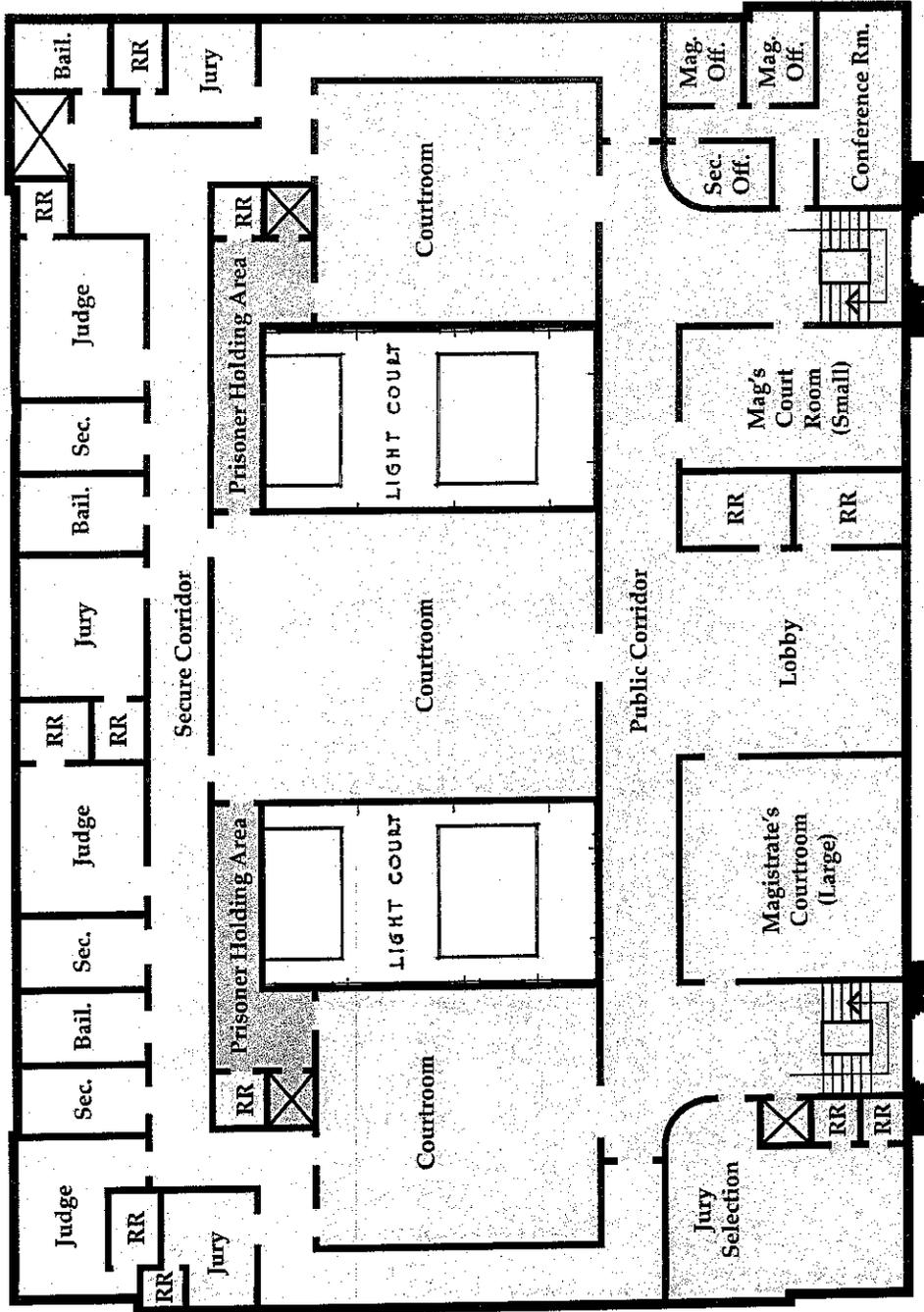
Allocation of Building Space
 YOUNGSTOWN CITY HALL ANNEX BUILDING
 Youngstown Municipal Court



Mezzanine Plan

SCALE: 1" = 16'-0"
 July 27th, 2009





Building Area

EXISTING AREA 17,500 s.f.
 GROSS NEW AREA 17,800 s.f.
 RENOVATED AREA 17,800 s.f.

Legend

- PROGRAM AREAS
- PUBLIC CIRCULATION
- SECURE CIRCULATION
- PRISONER CIRCULATION

Allocation of Building Space
 YOUNGSTOWN CITY HALL ANNEX BUILDING
 Youngstown Municipal Court



Second Floor Plan
 SCALE: 1" = 16'-0"
 July 27th, 2009





Department of Public Works
CARMEN S. CONGLOSE JR., Deputy Director of Public Works

City of Youngstown, Ohio

Mayor Jay Williams

City Hall

Youngstown, Ohio 44503

330/742-8800

Fax 330/742-8807

© 2006

November 29, 2006

Olsavsky-Jaminet Architects
114 East Front Street
Youngstown, OH 44503

ATTN: Mr. Raymond Jaminet

RE: Agreement for Architectural Services; Municipal Court Facility

Dear Mr. Jaminet:

In accordance with the terms of your existing agreement with the City of Youngstown for the project as referenced above, you are hereby authorized to proceed with work identified in Part IV of Attachment "A" of the agreement. This work entails the development of schematic design elements for the project, including all deliverables as described.

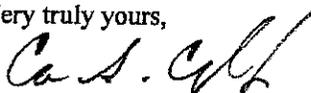
The schematic design shall be based upon the City of Youngstown's selection of the former Masters Building location at the southwest corner of West Federal Street and Vindicator Square as the preferred site for this project. This location was presented by your firm to The City of Youngstown as one of the potential viable sites for the project during the preliminary planning and programming phases of the project.

Due to the protracted site selection process for this project, the schematic design phase could not be completed within the timeframe as originally set forth in the agreement. Therefore, please schedule this work as expeditiously as possible and complete all work within ninety (90) consecutive calendar days of this authorization.

In addition to the service covered under your agreement, the City intends to hire the design firm of *Strollo Architects* to assist in this process, and work in conjunction with your firm, the City administration, The Clerk of Courts, and the Municipal Court during the design process. Their role will be to assist in determining ways to reduce the total project cost while still producing a facility that meets the requirements of all stakeholders.

We look forward to working with your firm on this very important project. Please furnish regular updates as to your progress.

Very truly yours,


Carmen S. Conglose, Jr.
Deputy Director of Public Works

cc: Mayor Jay Williams
Honorable Judge Robert Douglas
Greg Strollo, AIA

EXHIBIT

K

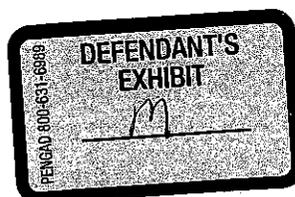
Farris, Anthony

From: Farris, Anthony
Sent: Monday, October 27, 2008 11:18 AM
To: Koby, Elizabeth
Cc: Douglas, Robert; Milich, Robert
Subject: Analysis of City Hall Annex
Attachments: YMC Building Analysis.pdf

Your Honor:

Attached please find an analysis of the suitability of the City Hall Annex Building for the Youngstown Municipal Court. The report was prepared by Strollo Architects. Please review and provide your feedback.

Thank you,
Anthony Farris
Youngstown Law Department
(330) 742-8874



Farris, Anthony

From: Farris, Anthony
Sent: Monday, October 27, 2008 1:40 PM
To: Kobly, Elizabeth
Subject: RE: Analysis of City Hall Annex

Tomorrow would be great. I hope you feel better. I will come down whenever you call.

From: Kobly, Elizabeth
Sent: Monday, October 27, 2008 1:35 PM
To: Farris, Anthony
Subject: RE: Analysis of City Hall Annex

maybe tomorrow would be better. I have the flu and I'm hoping to get out of here as early as I can.

From: Farris, Anthony
Sent: Monday, October 27, 2008 1:29 PM
To: Kobly, Elizabeth
Subject: RE: Analysis of City Hall Annex

Judge:
I will bring them down this afternoon if you are available. I can't figure out how to copy them.
Tony

From: Kobly, Elizabeth
Sent: Monday, October 27, 2008 11:30 AM
To: Farris, Anthony
Subject: RE: Analysis of City Hall Annex

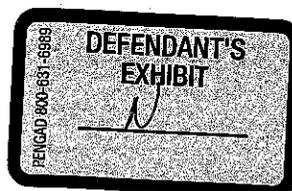
Tony, do you have the schematic floor plans that are referenced in this report? I would love to see them.

From: Farris, Anthony
Sent: Monday, October 27, 2008 11:18 AM
To: Kobly, Elizabeth
Cc: Douglas, Robert; Milich, Robert
Subject: Analysis of City Hall Annex

Your Honor:

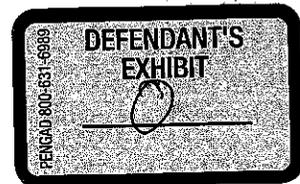
Attached please find an analysis of the suitability of the City Hall Annex Building for the Youngstown Municipal Court. The report was prepared by Strollo Architects. Please review and provide your feedback.

Thank you,
Anthony Farris
Youngstown Law Department
(330) 742-8874



COURT FACILITY STANDARDS

APPENDIX D



Court Facility Standards

These standards apply to all courts of record in Ohio except as otherwise indicated. The standards represent the minimum requirements to ensure the efficient and effective administration of justice and are intended to complement federal, state, and local laws, regulations, and standards pertaining to building construction, safety, security, and access.

(A) **General considerations.** In order to maintain suitable judicial atmosphere and properly serve the public, clean, well-lighted, adequately heated and air-conditioned court facilities shall be provided and maintained.

(B) **Location.** The facilities should be located in a courthouse or county or municipal building. The location within the building should be separate from the location of non-judicial governmental agencies. Court facilities should be located in a building that is dignified and properly maintained.

(C) **Courtroom.** Every trial judge should have a separate courtroom.

The courtroom should have adequate seating capacity so that litigants and others are not required to stand or wait in hallways and areas adjacent to the courtroom.

All participants must be able to hear and to be heard. If the room acoustics are not satisfactory, an efficient public address system shall be provided.

Every courtroom should have an elevated bench. Adequate shelving should be provided adjacent to the bench for legal reference materials. United States and Ohio flags should flank the bench.

The witness chair should be near the bench, slightly elevated, and situated in an appropriate enclosure.

Desks, tables, and chairs should be provided for all court personnel regularly present in the courtroom.

Tables and chairs should be provided for parties and counsel. Tables shall be situated to enable all participants to hear and to allow private interchanges between litigants and counsel.

Each trial courtroom should be equipped with a jury box, suitable for seating jurors and alternates sufficient to meet the demands of the court. The jury box should be situated so that jurors may observe the demeanor of witnesses and hear all proceedings.

A blackboard and other necessary demonstrative aids ~~should~~ be readily available. Unnecessary material or equipment should not be kept in the courtroom.

Each judge should have private chambers convenient to the courtroom. Access from chambers to the courtroom should be private. Chambers should be decorated and equipped in appropriate fashion.

(D) Library. Each court shall be provided an adequate law library comprised of those materials, including electronic media, considered necessary by the court.

(E) Magistrate. Magistrates should have courtroom and office facilities similar to those of a judge.

(F) Juror and witness facilities. Each trial courtroom shall have a soundproof jury deliberation room located in a quiet area as near the courtroom as possible. Access from the jury deliberation room to the courtroom should be private. Private personal convenience facilities should be available for the jurors.

An adequate waiting room must be provided for jurors. Reading material of general interest, television, and telephones should be provided.

A waiting room comparable to the jurors' waiting room should be provided for witnesses.

(G) Consultation room. A room should be provided for use of attorneys.

(H) Violations Bureaus and pay-in windows. Facilities for violations bureaus and pay-in windows should be located near public parking areas.

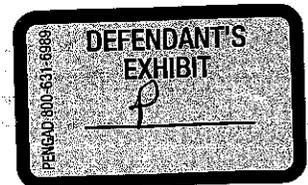
(I) Court staff and court-related personnel facilities. Adequate space and equipment shall be provided for court personnel to prepare, maintain, and store necessary court records. Space and equipment should be utilized to ensure efficiency, security, and confidentiality.

Adequate restroom facilities separate from public restroom facilities should be provided for all court personnel.

(J) Public convenience facilities. Clean, modern restroom facilities should be available in the vicinity of the public areas of the court. Public telephones should be available and afford privacy.

OHIO COURT SECURITY STANDARDS

APPENDIX C



PREAMBLE

The following Ohio Court Security Standards represent the efforts of the Supreme Court Advisory Committee on Court Security & Emergency Preparedness. The Standards were first adopted by the Supreme Court in 1994 and are now revised to reflect changes in our society affecting them.

Ohio citizens should expect all court facilities to be safe and secure for all who enter so that justice for all may be sought and not unjustly interrupted. Court facilities and each courtroom therein should have appropriate levels of security to address any foreseeable concern or emergency that may arise during the course of business. Elected officials charged with court facility authority must be proactive and sensitive to court security and emergency preparedness concerns. While the Advisory Committee understands providing a safe court facility to all carries a financial price, it is imperative that the topics discussed in the Ohio Court Security Standards be addressed.

Court security and emergency strategies and actions must be consistent with individual rights, civil liberties, and freedoms protected by the United States Constitution, the Ohio Constitution, and the rule of law. Because Ohio has a diverse population, special thought should be given to overcoming language and cultural barriers and physical disabilities when addressing security and emergency issues. However, Ohio citizens must be assured that any security practice or policy is employed in a neutral manner.

The Ohio Court Security Standards attempt to balance the diverse needs of each community. However, each locale is encouraged to promulgate policies and procedures to meet its specific needs. Special consideration should be given to defining the roles and responsibilities of the court and law enforcement officials within each local jurisdiction.

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STANDARD 1. COURT SECURITY COMMITTEE

Each court shall appoint a court security committee to meet on a periodic basis for the purpose of implementing these standards. If more than one court occupies a court facility, the courts shall collectively appoint a single committee.

Commentary

Court security issues affect many sectors of the community and include differing local needs and serious funding concerns. Therefore, a Court Security Committee should review these issues in a cooperative and constructive manner.

The Court Security Committee should include representatives of first responders, emergency management agencies, and funding authorities, and may include representatives from each entity within the court facility and the community.

STANDARD 2. SECURITY POLICY AND PROCEDURES MANUAL

(A) Adoption of manual

As part of its court security plan, each court shall adopt a written security policy and procedures manual governing security of the court and the court facility to ensure consistent, appropriate, and adequate security procedures. The manual shall include each of the following:

- (1) A physical security plan;
- (2) Routine security operations;
- (3) An emergency action plan that addresses events such as a hostage situation, an escaped prisoner, violence in the courtroom, a bomb threat, and fire;
- (4) A high risk trial plan.

(B) Review of manual

A court shall periodically test and update its security policy and procedures manual for operational effectiveness.

(C) Multiple courts

If more than one court occupies a court facility, the courts shall collectively adopt and review a single security policy and procedures manual.

Commentary

Although traditional forms of security, such as security searches of entrants to the court facility, are an excellent primary safeguard, it is important that courts have a written Security Policy and Procedures Manual addressing the items listed above.

To ensure a thorough knowledge of the court's Security Policy and Procedures Manual, all court security officers should review the manual as a part of their orientation and as a component of regular, continuing education for retained court security officers.

A copy of the Security Policy and Procedures Manual should be available to all court security officers to ensure they understand the appropriate security procedures.

All court security officers should be immediately informed of any changes or amendments to the Security Policy and Procedures Manual.

Security Policy and Procedures Manual is a protected document which should not be shared with non-security court personnel other than court leadership. However, it is recommended that a shorter guidebook be prepared for all other court personnel, which should include emergency evacuation procedures, routes, and building safety guidelines.

STANDARD 3. EMERGENCY PREPAREDNESS MANUAL

(A) Adoption of manual

As part of its court security plan, each court shall adopt a written emergency preparedness manual. The manual shall include a plan providing for the safety of all persons present within the court facility during an emergency.

(B) Review of manual

A court shall periodically test and update its emergency preparedness manual for operational effectiveness.

(C) Multiple courts

If more than one court occupies a court facility, the courts shall collectively adopt and review a single emergency preparedness manual.

STANDARD 4. CONTINUITY OF OPERATIONS MANUAL

(A) Adoption of manual

As part of its court security plan, each court shall adopt a written continuity of operations manual. The manual shall include a plan that addresses each of the following:

- (1) The continued operation of the court at an alternative site should its present site be rendered inoperable due to a natural disaster, act of terrorism, security breach within the building, or other unforeseen event;
- (2) The provisions of the "Court Continuity of Operations (COOP) Plan Template" available on the website of the Supreme Court.

(B) Review of manual

A court shall periodically test and update its continuity of operations manual for operational effectiveness.

(C) Multiple courts

If more than one court occupies a court facility, the courts shall collectively adopt and review a single continuity of operations manual.

STANDARD 5. PERSONS SUBJECT TO A SECURITY SEARCH

All persons entering a court facility shall be subject to a security search. A security search should occur for each visit to the court facility, regardless of the purpose or the hour.

Commentary

The credibility of court security requires the public be subject to a security search when entering a court facility. Any exemption of personnel from the security search process, including elected officials, court personnel, attorneys, law enforcement officers, or court security officers, should be decided and documented by the Court Security Committee.

At a minimum, each court facility should have at least one portable walk-through magnetometer and a hand-held magnetometer, with court security officers trained in the proper use of that equipment. Walk-through magnetometers at a single point of entry, with accompanying x-ray viewing of packages and handbags, is the optimal method of searching entrants to a court facility and should be utilized to provide the type of security needed to ensure a safe environment. A single point of entry for the public is strongly recommended.

STANDARD 6. COURT SECURITY OFFICERS

(A) Assignment

Uniformed court security officers should be assigned in sufficient numbers to ensure the security of each courtroom and the court facility.

(B) Certification and training

All court security should be certified through the Ohio Peace Officers Training Council. These officers should receive specific training on court security and weapons instruction specific to the court setting.

Commentary

For the purpose of these standards, "court security officer" means an individual employed or contracted to perform security duties or functions at a court facility and includes a law enforcement officer assigned to court security and a bailiff who performs court security duties or functions. "Court security officer" does not include an administrative bailiff who does not perform court security duties or functions.

Law enforcement officers who are present within the court facility for purposes other than court security, such as testifying at a trial, should not be considered a component of the court security system. These law enforcement officers' full attention should be directed to the duties to which they are assigned. The security of the court should not be reliant upon these law enforcement officers, who may have no specific training in court security.

STANDARD 7. WEAPONS IN COURT FACILITIES

(A) Prohibition

No weapons should be permitted in a court facility except those carried by court security officers or as permitted under division (B)(1) of this standard. The court should establish and install adequate security measures to ensure no one will be armed with any weapon in the court facility.

(B) Law enforcement

(1) Each court should promulgate a local court rule governing the carrying of weapons into the court facility by law enforcement officers who are not a component of court security and are acting within the scope of their employment. If more than one court occupies a court facility, the courts shall collectively promulgate a single rule.

(2) In all cases, law enforcement officers who are parties to a judicial proceeding as a plaintiff, defendant, witness, or interested party outside of the scope of their employment should not be permitted to bring weapons into the court facility.

Commentary

There is no issue more controversial relating to court security than whether law enforcement officers should be required to surrender their weapons at the court facility door. As a result, each individual court should review its needs and formulate policy based upon local needs and realities.

STANDARD 8. PRISONER TRANSPORT WITHIN COURT FACILITIES

(A) Transport

Prisoners should be transported into and within a court facility through areas that are not accessible to the public. When a separate entrance is not available and public hallways must be utilized, prisoners should be handcuffed behind the back or handcuffed with use of "belly chains" to limit hand movement and always secured by leg restraints.

(B) Carrying of firearms

During the transport of prisoners, personnel in direct contact with the prisoners should not carry firearms. However, an armed court security officer should be present.

(C) Holding area

Once within a court facility, prisoners should be held in a secure holding area equipped with video monitoring, where practicable, while awaiting court hearings and during any recess.

Commentary

If prisoners cannot be transported through private court facility entrances, public movement in the area should be restricted during the time of prisoner transport since transport through a public area exposes the public to danger, enhances the possibility of prisoner escape, and increases the ability to transfer weapons or other contraband to prisoners.

Law enforcement officers should accompany prisoners to the courtroom, remain during the hearing, and return prisoners to the secured holding area. Court security officers should not assume this responsibility.

STANDARD 9. DURESS ALARMS FOR JUDGES AND COURT PERSONNEL

All courtrooms, hearing rooms, judges' chambers, clerks of courts' offices, and reception areas should be equipped with a duress alarm system connected to a central security station. The duress alarm system should include enunciation capability.

Commentary

There are times when individuals may be able to circumvent standard court security measures. Judges and court personnel should have a readily accessible signal system upon which to rely in emergency situations.

It is important that the duress alarm system be a type which includes an audible alarm at the central security station. However, the system should not include an audible alarm at the activation site. The duress alarm system should quickly summon additional help from the county sheriff's department or the nearest police jurisdiction when needed.

To ensure confidence in the duress alarm system is maintained, duress alarms should be tested periodically and all efforts should be made to minimize false alarms.

STANDARD 10. CLOSED-CIRCUIT VIDEO SURVEILLANCE

If a court utilizes closed-circuit video surveillance, the system should include the court facility parking area, entrance to the court facility, court lobby, courtroom, and all other public areas of the court facility.

Commentary

Posted notices that every judicial proceeding is under surveillance may dissuade those who have intentions of disrupting a hearing. Some court facilities may lack the architectural and structural elements necessary for court security and, therefore, require greater reliance on security devices. Closed-circuit video surveillance is secondary to security searches of entrants to a court facility.

STANDARD 11. RESTRICTED ACCESS TO OFFICES

To ensure safe and secure work areas and to protect against inappropriate interaction between judges and participants in the judicial process, an effective secondary security perimeter should be utilized at the entrance to the office space housing judges and court personnel.

Commentary

The security of the office space housing judges and court personnel must be maintained. Unlimited access to these areas is dangerous and unnecessary. The general public should not be permitted to wander through these areas for any reason. However, attorneys should have controlled access to the areas. Persons having business with a judge or court personnel should be encouraged to make appointments.

Steps which may be taken to facilitate this standard include a main receptionist checkpoint, passive or active electromagnetic hall locks, and cardreader door locks.

Also, the judges' chambers, as differentiated from the staff offices, and judges' parking spaces should not be designated by "Judge" signage.

Finally, parking spaces should be located as close as possible to an entrance.

STANDARD 12. OFF-SITE PERSONAL SECURITY

As part of its court security plan, each court, in conjunction with law enforcement officers, should adopt procedures for the personal security of judges and court personnel at locations outside the court facility. If more than one court occupies a court facility, the courts shall collectively adopt procedures applicable to all judges and court personnel in the court facility.

Commentary

The protection of judges and court personnel from work-related threats and acts of violence outside the court facility is important. It is essential that procedures be in place, when necessary, to respond to such incidents.

The particular procedures may include personal security profiles, residential alarm systems, cellular telephones, weapons training, self-defense training, and personal/family bodyguard security. While all of these steps include some financial commitment, the procedures may be graduated to respond to the needs of any given situation.

STANDARD 13. STRUCTURAL DESIGN OF COURT FACILITIES AND COURTROOMS

When designing new or remodeling old court facilities, consideration should be given to circulation patterns that govern the movement of people to, from, and in the courtroom. Judges, juries, court personnel, and prisoners should have routes to and from the courtroom separate from public routes. Waiting areas should be available to allow separation of parties, victims, and witnesses.

Commentary

The circulation patterns should separate the prisoners from all other persons. The public should also be separated from the judges, juries, and court personnel.

STANDARD 14. SECURITY INCIDENT REPORTING

(A) Reporting of security incidents

(1) Every violation of law that occurs within a court facility should be reported to the law enforcement agency having jurisdiction. To facilitate reporting, all court personnel should familiarize themselves with the law enforcement agency that has jurisdiction within and around their court facility.

(2) Each court should adopt a policy for reporting court security incidents and should include the policy in the court's security policy and procedures manual. If more than one court occupies a court facility, the courts shall collectively adopt a single policy.

(3) A summary of court security incidents should be compiled annually for the court's benefit in evaluating security measures.

(B) Periodic review of security incidents

All courts within the court facility should periodically review all court security incidents so the judges and court personnel are aware of recent events.

Commentary

Although the facility may be a county court facility, in some areas, if the facility is located within the limits of a municipal corporation, the local police may be the law enforcement agency having jurisdiction.

A "court security incident" is any infraction outlined within the court's Security Policy and Procedures Manual and includes any and all disruptions made in the confines of the court facility.

To measure the effectiveness of court security procedures and to aid in securing necessary funding for court security measures, it is useful to recognize and record court security incidents. A standard incident reporting form should be utilized by court personnel to record each event which compromised the security of the court and/or the safety of the participants in the judicial process. Additionally, each court should do an annual summary of court security incidents for its own benefit in evaluating court security measures using the model incident reporting form.

STANDARD 15. NEWS MEDIA IN THE COURT FACILITY

The court security committee, along with other court officials, should consider and formulate a plan governing news media in a court facility. The plan should comply with the requirements of Rule 12 of the Rules of Superintendence for the Courts of Ohio and address both of the following:

- (A) The process for news media entering and departing from the court facility in a minimally intrusive manner so other court offices are not disturbed;
- (B) The safety of news media representatives in the courtroom as well as the location of their equipment so as to protect all persons in the courtroom and not create an impediment to court operations.

STANDARD 16. INFORMATION TECHNOLOGY OPERATIONS SECURITY

Each court should periodically evaluate and update its security for its information technology operations and implement appropriate security controls to ensure protection of those operations.

OHIO TRIAL COURT JURY USE AND MANAGEMENT STANDARDS

The Ohio Trial Court Jury Use and Management Standards
were adopted by the Supreme Court of Ohio on August 16, 1993.

APPENDIX B

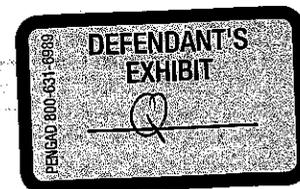


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STANDARD 1 **OPPORTUNITY FOR SERVICE**

- A. The opportunity for jury service should not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group in the jurisdiction.
- B. Jury service is an obligation of all qualified citizens.

Commentary

Standard 1 is essentially identical to the ABA Standard.

It is the obligation of every court to reasonably accommodate the special needs of physically handicapped jurors. While physically handicapped jurors may pose special issues for courts and their personnel, these issues are manageable.

Support agencies and advancing technologies exist to aid courts in accommodating the special needs of hearing impaired and visually impaired jurors, for example.

The obligation of jury service falls on all citizens; it is vitally important that the legal system open its doors to each person who desires to serve on a jury.

Reference is made to the ADA.

Ohio Statutes

O.R.C. 2313.47 Race or color shall not disqualify a juror.

STANDARD 2

JURY SOURCE LIST

- A. The names of potential jurors should be drawn from a jury source list compiled from one or more regularly maintained lists of persons residing in the court jurisdiction.
- B. The jury source list should be representative and should be as inclusive of the adult population in the jurisdiction as is feasible.
- C. The court should periodically review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction as is feasible.
- D. Should the court determine that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action should be taken.

Commentary

Standard 2 is identical to the ABA Standard.

There should be a periodic review of the representativeness and inclusiveness of the jury source list.

Ohio Statutes

O.R.C. 1901.25	Selection and impaneling of a jury.
O.R.C. 1907.28	Authorizes county courts to adopt local rules regarding jury selection and impaneling.
O.R.C. 2311.42	Authorizes the drawing of a jury from an adjoining county if a party to the case is the board of county commissioners.
O.R.C. 2313.06	Provisions relative to the summoning of jurors using lists of voters and licensed drivers.
O.R.C. 2313.07	Construction of a jury wheel and the use of data processing equipment in drawing jurors.
O.R.C. 2313.08	Contains provisions relative to the annual jury list.
O.R.C. 2313.09	Supplemental jury lists.
O.R.C. 2313.15	Report of names of jurors excused.
O.R.C. 2313.20	Notice of drawing.
O.R.C. 2313.21	Conduct of drawing.
O.R.C. 2313.26	Order for additional number of jurors.

STANDARD 3 **RANDOM SELECTION PROCEDURES**

- A. Random selection procedures should be used throughout the juror selection process. Any method may be used, manual or automated, that provides each eligible and available person with an equal probability of selection. These methods should be documented.
- B. Random selection procedures should be employed in:
 - 1. Selecting persons to be summoned for jury service;
 - 2. Assigning prospective jurors to panels; and
 - 3. Calling prospective jurors for voir dire.
- C. Departures from the principle of random selection are appropriate:
 - 1. To exclude persons ineligible for service in accordance with Standard 4;
 - 2. To excuse or defer prospective jurors in accordance with Standard 6;
 - 3. To remove prospective jurors for cause or if challenged peremptorily in accordance with Standards 8 and 9; and
 - 4. To provide all prospective jurors with an opportunity to be called for jury service and to be assigned to a panel in accordance with Standard 13.

Commentary

Standard 3 is essentially identical to the ABA Standard.

Ohio Statutes

O.R.C. 1901.25	Selection and impaneling of a jury.
O.R.C. 1907.28	Authorizes county courts to adopt local rules regarding jury selection and impaneling.
O.R.C. 2101.30	Drawing of a jury in probate cases.
O.R.C. 2313.07	Construction of a jury wheel and the use of data processing equipment in drawing jurors.
O.R.C. 2313.08	Contains provisions relative to the annual jury list.
O.R.C. 2313.09	Supplemental jury lists.
O.R.C. 2313.15	Report of names of jurors excused.
O.R.C. 2313.21	Conduct of drawing.

STANDARD 4 **ELIGIBILITY FOR JURY SERVICE**

All persons should be eligible for jury service except those who:

- A. Are less than eighteen years of age;
- B. Are not citizens of the United States;
- C. Are not residents of the jurisdiction in which they have been summoned to serve;
- D. Are not able to communicate in the English language; or
- E. Have been convicted of a felony and have not had their civil rights restored.

Commentary

Standard 4 is identical to the ABA Standard.

Legislative changes recommended in order for Standard 4 to be consistent with Standard 6.

Ohio Statutes

- O.R.C. 1901.25 Selection and impaneling of a jury.
- O.R.C. 1907.28 Authorizes county courts to adopt local rules regarding jury selection and impaneling.
- O.R.C. 2961.01 Precludes convicted felons from serving as jurors.

STANDARD 5

TERM OF AND AVAILABILITY FOR JURY SERVICE

- A. The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.
- B. A term of service of one day or the completion of one trial, whichever is longer, is recommended. However, a term of one week or the completion of one trial, whichever is longer, is acceptable.
- C. Persons should not be required to maintain a status of availability for jury service for longer than two weeks except in jurisdictions where it may be appropriate for persons to be available for service over a longer period of time.

Commentary

Standard 5 is essentially identical to the ABA Standard.

Courts should reduce, to the extent possible, the number of days a person serves and the period of availability.

STANDARD 6

EXEMPTION, EXCUSE, AND DEFERRAL

- A. All automatic excuses or exemptions, with the exception of statutory exemptions, from jury service should be eliminated.
- B. Eligible persons who are summoned may be excused from jury service only if:
 - 1. Their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors and they are excused for this reason by a judge; or
 - 2. They request to be excused because their service would be a continuing hardship to them or to members of the public and they are excused by a judge or a specifically authorized court official.
- C. Deferrals for jury service for reasonably short periods of time may be permitted by a judge or a specifically authorized court official.
- D. Requests for excuses and deferrals and their disposition should be written or otherwise made or recorded. Specific uniform guidelines for determining such requests should be adopted by the court.

Commentary

Standard 6 has been changed from the ABA Standard to be consistent with the O.R.C.

Deferrals are encouraged rather than the granting of excuses.

With a shorter term of service (see Standard 5), reasons for being excused should be reduced.

The Jury Management Project Team recommends that all statutory exceptions be eliminated.

Ohio Statutes

- O.R.C. 737.26 Exempts fireman from jury duty.
- O.R.C. 1901.25 Selection and impaneling of a jury.
- O.R.C. 1907.28 Authorizes county courts to adopt local rules regarding jury selection and impaneling.
- O.R.C. 2313.12 Jury exemptions; proof of exemptions.
- O.R.C. 2313.13 Postponement of jury service; temporary excuse or discharge.
- O.R.C. 2313.14 Failure to attend after postponed service.
- O.R.C. 2313.15 Report of names of jurors excused.
- O.R.C. 2313.16 Reasons for which jurors may be excused.

O.R.C. 2313.27 Evasion of jury service.
O.R.C. 2313.36 Exemptions from jury service in court of record.
O.R.C. 5919.20 Exempts certain officers and personnel of the Ohio National Guard from jury service.
O.R.C. 5920.10 Exempts members of the Ohio Military Reserve from jury duty.
O.R.C. 5921.09 Exempts members of the Ohio Naval Militia from jury service.

STANDARD 7 **VOIR DIRE**

- A. Voir dire examination should be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.
- B. To reduce the time required for voir dire, basic background information regarding panel members should be made available to counsel in writing for each party on the day on which jury selection is to begin.
- C. The trial judge should conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.
- D. The judge should ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process.
- E. In criminal cases, the voir dire process shall be held on the record. In civil cases, the voir dire process shall be held on the record unless waived by the parties.

Commentary

Standard 7 is essentially identical to the ABA Standard.

The questionnaire shall be handled in a manner to ensure privacy.

When prospective jurors are initially sworn, the oath should also indicate that the answers to the jury questionnaire are true.

Ohio Statutes

- O.R.C. 1901.25 Selection and impaneling of a jury.
- O.R.C. 1907.28 Authorizes county courts to adopt local rules regarding jury selection and impaneling.

Court Rules

- Civ. R. 47 Jurors.
- Crim. R. 24 Trial jurors.

STANDARD 8 **REMOVAL FROM THE JURY PANEL FOR CAUSE**

If the judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual should be removed from the panel. Such a determination may be made on motion of counsel or by the judge.

Commentary

Standard 8 is essentially identical to the ABA Standard.

Jurors should be reminded that jury service is an obligation of each qualified citizen (see Standard 1).

Ohio Statutes

O.R.C. 1901.25	Selection and impaneling of a jury.
O.R.C. 1907.28	Authorizes county courts to adopt local rules regarding jury selection and impaneling.
O.R.C. 2313.42	Challenge for cause of persons called as jurors.
O.R.C. 2313.43	Challenge of petit jurors.
O.R.C. 2945.25	Causes for challenging jurors.
O.R.C. 2945.26	Challenge of juror for cause.

Court Rules

Civ. R. 47	Jurors.
Crim. R. 24	Trial jurors.

STANDARD 9

PEREMPTORY CHALLENGES

- A. Rules determining procedure for exercising peremptory challenges should be uniform throughout the state.
- B. Peremptory challenges should be limited to a number no larger than necessary to provide reasonable assurance of obtaining an unbiased jury.
- C. In civil cases, the number of peremptory challenges should not exceed three for each side. If the court finds that there is a conflict of interest between parties on the same side, the court may allow each conflicting party up to three peremptory challenges.
- D. In criminal cases, the number of peremptory challenges should not exceed:
 - 1. Six for each side when a death sentence may be imposed upon conviction;
 - 2. Four for each side when a sentence of imprisonment (state institution) may be imposed upon conviction; or
 - 3. Three for each side in all other prosecutions. One additional peremptory challenge should be allowed for each defendant in a multi-defendant criminal proceeding.
- E. In criminal and civil proceedings each side should be allowed one peremptory challenge if one or two alternate jurors are impaneled, two peremptory challenges if three or four alternates are impaneled, and three peremptory challenges if five or six alternates are impaneled. These additional peremptory challenges shall be used against an alternate juror only, and the other peremptory challenges allowed by law shall not be used against an alternate juror.

Commentary

Standard 9 has been changed from the ABA Standard to be consistent with the O.R.C. and Ohio Rules of Court.

Ohio Statutes

- | | |
|----------------|--|
| O.R.C. 1901.25 | Selection and impaneling of a jury. |
| O.R.C. 1907.28 | Authorizes county courts to adopt local rules regarding jury selection and impaneling. |
| O.R.C. 2938.06 | Number of jurors and challenges. |
| O.R.C. 2945.21 | Peremptory challenges. |
| O.R.C. 2945.23 | Use of peremptory challenges. |

Court Rules

Civ. R. 47
Crim. R. 24

Jurors.
Trial jurors.

STANDARD 10 **ADMINISTRATION OF THE JURY SYSTEM**

- A. The responsibility for administration of the jury system should be vested exclusively in the judicial branch of government.
- B. All procedures concerning jury selection and service should be governed by Ohio Rules of Court.
- C. Responsibility for administering the jury system should be vested in a single administrator acting under the supervision of the administrative judge of the court.

Commentary

Standard 10 is essentially identical to the ABA Standard.

Standard 10 suggests that current legislation be repealed.

Ohio Constitution

Article IV, Section 5(B) Allows the Supreme Court to adopt Rules of Practice and Procedure and permits courts to adopt rules concerning local practice that do not conflict with Supreme Court Rules.

Ohio Statutes

O.R.C. 1901.14 Authorizes the adoption of local rules regarding the summoning of jurors.
O.R.C. 1907.28 Authorizes county courts to adopt local rules regarding jury selection and impaneling.
O.R.C. 2313.01 Authorizes the appointment of jury commissioners.
O.R.C. 2313.02 Compensation and appointment of deputies and clerks in the office of jury commissioners.
O.R.C. 2313.03 Oath of office for jury commissioners.
O.R.C. 2313.04 Lists cases in which the deputy jury commissioner may act.

STANDARD 11 NOTIFICATION AND SUMMONING PROCEDURES

- A. The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person should be:
 - 1. Combined in a single document;
 - 2. Phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems; and
 - 3. Delivered by ordinary mail.
- B. A summons should clearly explain how and when the recipient must respond and the consequences of a failure to respond.
- C. The questionnaire should be phrased and organized so as to facilitate quick and accurate screening and should request only that information essential for:
 - 1. Determining whether a person meets the criteria for eligibility;
 - 2. Providing basic background information ordinarily sought during voir dire examination; and
 - 3. Efficiently managing the jury system.
- D. Policies and procedures should be established for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.

Commentary

Standard 11 is essentially identical to the ABA Standard.

Ohio Statutes

- O.R.C. 1905.28 Gives the mayor of a municipal corporation the authority to compel the attendance of jurors.
- O.R.C. 1907.29 Cross-references to civil and criminal rules and authorizes the punishment by contempt for summoned jurors who refuse to serve.
- O.R.C. 2101.30 Drawing of a jury in probate cases.
- O.R.C. 2313.10 Notice to jurors to appear and testify before jury commissioners.
- O.R.C. 2313.11 Failure of summoned juror to attend or testify.
- O.R.C. 2313.14 Failure to attend after postponed service.
- O.R.C. 2313.25 Service and return of venire.
- O.R.C. 2313.26 Order for additional number of jurors.
- O.R.C. 2313.29 Failure of juror to attend.
- O.R.C. 2313.30 Arrest for failure to attend.

STANDARD 12 **MONITORING THE JURY SYSTEM**

Courts should collect and analyze information regarding the performance of the jury system on a regular basis in order to evaluate:

- A. The representativeness and inclusiveness of the jury source list;
- B. The effectiveness of qualification and summoning procedures;
- C. The responsiveness of individual citizens to jury duty summonses;
- D. The efficient use of jurors; and
- E. The cost-effectiveness of the jury management system.

Commentary

Standard 12 is essentially identical to the ABA Standard, and the Jury Standard Project Team recognizes that the information gathered must be analyzed to ensure efficient jury management.

STANDARD 13 JUROR USE

- A. Courts should employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.
- B. Courts should determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques should be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.
 - 1. Courts using jury pools should ensure that each prospective juror who has reported to the court is assigned for voir dire; and
 - 2. Courts using panels should ensure that each prospective juror who has reported to the court is assigned for voir dire.
- C. Courts should coordinate jury management and calendar management to make effective use of jurors.

Commentary

Standard 13 is essentially identical to the ABA Standard.

Ohio Statutes

O.R.C. 2313.19 Number of jurors drawn.
O.R.C. 2313.24 Number of jurors; exception for smaller counties.

STANDARD 14 **JURY FACILITIES**

- A. Courts should provide an adequate and suitable environment for jurors.
- B. The entrance and registration area should be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the courthouse.
- C. Jurors should be accommodated in pleasant waiting facilities furnished with suitable amenities.
- D. Jury deliberation rooms should include space, furnishings, and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms should be ensured.
- E. To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel, and the public.

Commentary

Standard 14 is essentially identical to the ABA Standard.

Ohio Statutes

- O.R.C. 1907.29 Cross-references to civil and criminal rules and authorizes the punishment by contempt for summoned jurors who refuse to serve.
- O.R.C. 2313.05 Office and supplies for the jury commissioners.
- O.R.C. 2315.03 Deliberations of jury.
- O.R.C. 2945.33 Keeping and conduct of the jury after case is submitted to the jury.

Rules of Superintendence

- Appendix D Court facility standards.

STANDARD 15 **JUROR COMPENSATION**

- A. Persons called for jury service should receive a reasonable fee for their service and expenses.
- B. Such fees should be paid promptly.
- C. Employers shall be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

Commentary

Standard 15 is essentially identical to the ABA Standard.

Ohio Statutes

- O.R.C. 1901.25 Selection and impaneling of a jury.
- O.R.C. 1907.28 Authorizes county courts to adopt local rules regarding jury selection and impaneling.
- O.R.C. 2101.16 Cross-references to other sections regarding jury fees.
- O.R.C. 2313.34 Discharge of juror; compensation.

STANDARD 16

JUROR ORIENTATION AND INSTRUCTION

A. Orientation programs should be:

1. Designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors; and
2. Presented in a uniform and efficient manner using a combination of written, oral, and audiovisual materials.

B. Courts should provide some form of orientation or instructions to persons called for jury service:

1. Upon initial contact prior to service;
2. Upon first appearance at the court; and
3. Upon reporting to a courtroom for voir dire.

C. The trial judge should:

1. Give preliminary instructions to all prospective jurors.
2. Give instructions directly following impanelment of the jury to explain the jury's role, the trial procedures including notetaking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles;
3. Prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations. Such instructions should be made available to the jurors during deliberations;
4. Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system; and
5. Recognize utilization of written instructions is preferable.
6. Before dismissing a jury at the conclusion of a case:
 - a. Release the jurors from their duty of confidentiality;
 - b. Explain their rights regarding inquiries from counsel or the press;
 - c. Either advise them that they are discharged from service or specify where they must report; and
 - d. Express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.

D. All communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

Commentary

Standard 16 is essentially identical to the ABA Standard with addition of C., 4.

Reference may be made to Ohio Jury Instructions.

Ohio Statutes

O.R.C. 2945.10

Order of trial proceedings, including the charge to the jury.

O.R.C. 2945.11

Charge to the jury on questions of law and fact.

O.R.C. 2945.34

Admonition to be administered to jurors if they are separate during trial.

Court Rules

Civ. R. 51

Instructions to the jury; objections.

Crim. R. 30

Instructions to the jury.

STANDARD 17

JURY SIZE AND UNANIMITY OF VERDICT

Jury size and unanimity in civil and criminal cases shall conform with existing Ohio law.

Commentary

Standard 17 has been changed from the ABA Standard to be consistent with the O.R.C.

Ohio Constitution

Article I, Section 5 Trial by jury; reform in civil jury system

Ohio Statutes

O.R.C. 1901.24 Cross-references to civil and criminal rules relating to juries.
O.R.C. 1907.29 Cross-references to civil and criminal rules and authorizes the punishment
by contempt for summoned jurors who refuse to serve.
O.R.C. 2938.06 Number of jurors and challenges.

Court Rules

Civ. R. 38 Jury trial of right.
Civ. R. 48 Juries; majority verdict; stipulation of number of jurors.
Civ. R. Form 18 Judgment on jury verdicts.
Crim. R. 23 Trial by jury or by the court.

STANDARD 18 JURY DELIBERATIONS

- A. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making.
- B. The judge should instruct the jury concerning appropriate procedures to be followed during deliberations in accordance with Standard 16C.
- C. The deliberation room should conform to the recommendations set forth in Standard 14C.
- D. The jury should not be sequestered except under the circumstances and procedures set forth in Standard 19.
- E. A jury should not be required to deliberate after a reasonable hour unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.
- F. Training should be provided to personnel who escort and assist jurors during deliberation.

Commentary

Standard 16 is essentially identical to the ABA Standard.

Counsel and appropriate court personnel should remain readily available during jury deliberations.

Juries should be provided with a pleasant, comfortable, secure, and safe place in which to work.

Ohio Statutes

- O.R.C. 2315.03 Deliberations of jury.
- O.R.C. 2315.04 Duty of officer in charge of jury.
- O.R.C. 2945.32 Contains the oath to be administered to an officer if the jury is sequestered.
- O.R.C. 2945.33 Keeping and conduct of the jury after case is submitted to the jury.

Court Rules

- Civ. R. Form 18 Judgment on jury verdict.
- Crim. R. 30 Instructions to the jury.

STANDARD 19 **SEQUESTRATION OF JURORS**

- A. A jury should be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.
- B. During deliberations in the guilt phase and penalty phase, the jury shall be sequestered in a capital case.
- C. The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative and shall have the responsibility to oversee the conditions of sequestration.
- D. Standard procedures should be promulgated to:
 - 1. Achieve the purpose of sequestration; and
 - 2. Minimize the inconvenience and discomfort of the sequestered jurors.
- E. Training shall be provided to personnel who escort and assist jurors during sequestration.

Commentary

Standard 19 differs from the ABA Standard.

- 1. "Should" was changed to "shall" in C and E.
- 2. Jury escorts may be law enforcement personnel.

Standard 19 has been changed to be consistent with the O.R.C.

Ohio Statutes

- O.R.C. 2315.04 Duty of officer in charge of jury.
- O.R.C. 2945.31 Allows, but does not require, sequestering of jurors after a trial has commenced.
- O.R.C. 2945.33 Requires sequestration of jurors in capital cases once a case is submitted to the jury.

Court Rules

- Crim. R. 24 Trial jurors.