

New Philadelphia Municipal Court Position Description

Division/Department: New Philadelphia Municipal Court

Location: 166 East High Ave.

Job Title: Magistrate

Reports To: Judge/Court Administrator

Supervises: None

Hours: 8:00 a.m. to 4:30 (hours may vary)

Exempt Non-exempt

Summary of Position: Presides over traffic, criminal, civil, and small claims cases as indicated in the Order of Reference assigned by the Judge. Decides cases and mediates settlements. Serves at the pleasure of the Judge.

Education Requirements: Bachelor's degree and law degree with admission to and in good standing with the Ohio Supreme Court and having been engaged in the practice of law for at least four (4) years. Current in meeting continuing legal education requirements.

Certification and/or Licensure Requirements, Knowledge, Skills, and Abilities: Licensed as an attorney and in good standing with the Ohio Supreme Court. Valid Ohio driver's license. Must be able to write, speak and understand the English language; must be able to communicate effectively to other Court personnel, Court users, visitors, and the Court verbally and in writing. Must possess the ability to make independent decisions when circumstances warrant such actions. Must possess the ability to deal tactfully and professionally with Court personnel, the Court, Court users, community representatives and the general public. Must possess a working knowledge of computer technology for preparation of decisions and other written memoranda. Must be able to manage time and responsibilities effectively.

1. Adheres to policies and procedures as acknowledged and documented in the New Philadelphia Municipal Court Employee Handbook.
2. Knowledge of Ohio criminal, traffic and civil law and related statutes, case law, general law, rules of evidence, civil procedure, jurisprudence of contempt, mediation and settlement principles, legal principles and terminology and internal court procedures.
3. Ability to work professionally with attorneys, public and staff, remain fair and impartial, control courtroom conduct and process, handle a large caseload, maintain confidentiality of confidential and sensitive information; diffuse hostile situations, work effectively with a diverse population of people from many different geographic, socioeconomic, religious, racial, and ethnic backgrounds on a regular basis.
4. Knowledge of and adherence to the Ohio Code of Judicial Conduct.
5. Excellent written and verbal communication skills; relating legal principles to facts and determining court response; listening and critically analyzing facts; conducting legal research and analysis, writing court decisions; conducts mediations and negotiations.
6. Strong organizational skills and the ability to multi-task are essential.
7. Stay current on new developments in the law, procedures, and case law.

Specific Duties include, but are not limited to: Presides over traffic, criminal, civil, and small claims cases and arraignments as indicated in the Order of Reference assigned by the Judge and pursuant to R.C. 1901.13, R.C. 1925.01, Rule 19 of the Rules of Superintendence for the Courts of Ohio, Ohio Civil Rule of Procedure 53, Ohio Criminal Rule of Procedure 19, and Ohio Traffic Rule 14.

In civil proceedings:

1. Determine any motion in any case.
2. Conduct the trial of any case that will not be tried to a jury.
3. Upon unanimous written consent of the parties, preside over the trial of any case that will be tried to a jury
4. Conduct proceedings upon application for the issuance of a temporary protection order as authorized by law.

5. Hear matters on the Small Claims Docket of this Court.
6. Exercise any other authority specifically vested in magistrates by statute.
7. Issuing subpoenas for the attendance of witness and the production of evidence.
8. Ruling upon the admissibility of evidence.
9. Putting witnesses under oath and examining them.
10. Calling the parties to the action and examining them under oath.
11. When necessary to obtain the presence of an alleged contemnor in cases involving direct or indirect contempt of court, issuing an attachment for the alleged contemnor and setting the type, amount, and any conditions of bail pursuant to Crim. R. 46.
12. Imposing, subject to civ. R. 53 (D)(8), appropriate sanctions for civil or criminal contempt committed in the presence of the magistrate.

In traffic and criminal proceedings:

1. Conduct initial appearances pursuant to Crim. R. 5.
2. Conduct arraignments pursuant to Crim. R. 10.
3. Receive pleas, in accordance with Crim. R. 11, only as follows:
 - a. In misdemeanor cases, accept and enter not guilty pleas;
 - b. In misdemeanor cases, accept and enter guilty and no contest pleas, determine guilt or innocence, receive statements in explanation and in mitigation of sentence, and recommend a penalty to be imposed. If imprisonment is a possible penalty for the offense charged, the matter may be referred only with unanimous consent of the parties, in writing or on the record in open court.
4. Conduct pretrial conferences pursuant to Crim. R. 17.1.
5. Conduct proceedings to establish bail pursuant to Crim. R. 46.
6. Hear and decide any pretrial or post-judgment motion in any misdemeanor case for which imprisonment is not a possible penalty, or any pretrial or post-judgment motion in any misdemeanor case for which imprisonment is a possibility upon unanimous consent of the parties in writing or on the record in open court.
7. Conduct proceedings upon application for the issuance of a temporary protection order as authorized by law.
8. Conduct the trial of any misdemeanor case that will not be tried to a jury. If the offense charged is an offence for which imprisonment is a possible penalty, the matter may be referred only with unanimous consent of the parties in writing or on the record in open court.
9. Exercise any other authority specifically vested in magistrates by statute.
10. Issuing subpoenas for the attendance of witnesses and the production of evidence.
11. Ruling on the admissibility of evidence in misdemeanor cases in accordance with Crim. R. (C)(1)(f).
12. Putting witnesses under oath and examining them.
13. When necessary to obtain the presence of an alleged contemnor in cases involving direct or indirect contempt of court, issuing an attachment for the alleged contemnor and setting the type, amount, and any conditions of bail pursuant to Crim. R. 46.
14. Imposing, subject to Crim. R. 19(D)(8), appropriate sanctions for civil or criminal contempt committed in the presence of the magistrate.

Other duties or projects as assigned by the Judge.

Work Experience Requirements: Minimum of four (4) years engaged in the practice of law.

Physical and Sensory Requirements: (with or without a reasonable accommodation):

1. Must be able to operate office equipment such as computer, copier, and fax machine.
2. Must be able to move intermittently throughout the day.
3. Must possess sight/hearing senses or use prosthetics that will enable these senses to function adequately so that requirements of the position can be fully met.

This job description in no manner states or implies that these are the only duties and responsibilities to be performed by the employee filling this position, who will be required to follow instructions and perform any duties required by the employee's supervisor or designee.

The provisions of this job description do not constitute a contract, expressed or implied, and any provision contained in this description may be modified or revoked without notice.