

OPINION NO. 82-105**Syllabus:**

The Clerk of the Cleveland Municipal Court, as administrative assistant for the Small Claims Division, is required to take complaints pursuant to R.C. 1925.04, and the Court has no authority to designate another official to perform such function.

To: John T. Corrigan, Cuyahoga County Prosecuting Attorney, Cleveland, Ohio
By: William J. Brown, Attorney General, December 20, 1982

I have before me your request for my opinion on a question concerning the duties of the Clerk of the Cleveland Municipal Court. Pursuant to R.C. 1925.01(C), as recently amended by Am. H.B. 25, 114th Gen. A. (1982) (eff. Aug. 20, 1982), "[e]xcept in the Cleveland municipal court, the court may appoint an administrative assistant for the small claims division, who shall perform such duties as are assigned by the court. In the Cleveland municipal court, the clerk of the court is the administrative assistant for the small claims division, and shall perform such duties in that capacity as are assigned by the court." R.C. 1925.04 provides, in part, as follows: "The plaintiff, or his attorney, shall state to the administrative assistant or other official designated by the court, the plaintiff's and the defendant's place of residence, the military status of the defendant, and the nature and amount of his claim." Your question is whether, in the Cleveland Municipal Court, the Clerk of Court must take the complaints as provided in R.C. 1925.04, or whether the Court may, by journal entry or appointment, name another administrative assistant to perform such function.

R.C. 1925.01(C) governs the appointment of administrative assistants by municipal courts. It expressly provides that, "[i]n the Cleveland municipal court, the clerk of the court is the administrative assistant for the small claims division. . . ."

R.C. 1925.04 governs the commencement of actions in the small claims division of a municipal court. It provides that an action is commenced in the small claims division when the plaintiff, or his attorney, states the amount and nature of the claim to the court as provided in that statute, and it specifies that the statement shall be made "to the administrative assistant or other official designated by the court."

Both R.C. 1925.01(C) and R.C. 1925.04 deal with the functions of the small claims division of a municipal court. It is clear, therefore, that the term "administrative assistant" has the same meaning in both sections. See Rhodes v. Weldy, 46 Ohio St. 234, 20 N.E. 461 (1889) (syllabus) ("Where the same word or phrase is used more than once in the same act in relation to the same subject-matter and looking to the same general purpose, if in one connection its meaning is clear and in another it is otherwise doubtful or obscure, it is in the latter case to receive the same construction as in the former, unless there is something in the connection in which it is employed, plainly calling for a different construction"). I find it significant that the term "administrative assistant" is singular as used in both R.C. 1925.01 and R.C. 1925.04, and that the definite article "the" (rather than the indefinite "a" or "an") is used in the relevant portions of both sections, thereby indicating that there is to be only one administrative assistant for the small claims division of each municipal court. I conclude, therefore, that the "administrative assistant" referenced in R.C. 1925.04 is, in the Cleveland Municipal Court, the Clerk of Court.

R.C. 1925.04 provides specifically that an action is commenced in the small claims division when the plaintiff, or his attorney, makes a statement of the complaint "to the administrative assistant or other official designated by the court." Implicit in this language is the concept that, where there is an administrative assistant, the alternative of designating another official is not applicable. Thus, a municipal court other than the Cleveland Municipal Court has

the option of either appointing an administrative assistant for the small claims division under R.C. 1925.01 or designating another official to take complaints under R.C. 1925.04. The Cleveland Municipal Court has no such choice. R.C. 1925.01 clearly designates the Clerk of Court as the administrative assistant for the Small Claims Division of the Cleveland Municipal Court. As a result, the Cleveland Municipal Court has an administrative assistant authorized to take complaints under R.C. 1925.04, and, therefore, the Court has no need—or authority—to designate another official to perform this function. See, e.g., R.C. 1.42 ("[w]ords and phrases shall be read in context and construed according to the rules of grammar and common usage"); Industrial Commission v. Roth, 98 Ohio St 34, 39, 120 N.E. 172, 173 (1918) ("[i]n the construction of the law it is the duty of a court to give to words their usual and ordinary meaning, such meaning as they import to mankind in general, and not a forced or unusual definition, which may in its last analysis be technically correct, but wholly at variance with the common understanding of men").

It is, therefore, my opinion, and you are hereby advised, that the Clerk of the Cleveland Municipal Court, as administrative assistant for the Small Claims Division, is required to take complaints pursuant to R.C. 1925.04, and the Court has no authority to designate another official to perform such function.