

Law You Can Use: Consumer Information Column

Bailiffs and Court Officers: What To Do When They Tell You What To Do

Q: *What is a bailiff, and where would I see one?*

A: A bailiff is a court officer who may serve you a subpoena or escort you from the jail to the courtroom and back. If you are serving as a juror, the bailiff will escort you from the jury room to the courtroom and back, arrange for your meals, and communicate to the judge on your behalf. To some extent, the bailiff's duties depend upon the particular county and judge to whom he or she is assigned. In some counties, bailiffs work for the clerk of courts; in other counties they work for the sheriff. They are officers of the court who have the power to arrest you, and they must be obeyed. Also, most bailiffs carry firearms.

Q: *What authority does a bailiff have?*

A: A bailiff has authority from the judge to do whatever is necessary to maintain order and uphold the law. A bailiff's duties may include clearing a courtroom if the public becomes unruly, evicting you from your home, seizing and selling your property, issuing warrants and citations, and carrying out a warrant to arrest someone (most often, for failing to appear in court). The bailiff also may serve your employer with papers to garnish your wages; the employer will then deduct some of your pay and pay it to the court instead of giving it to you. Keep in mind that the bailiff is charged with carrying out the orders of the judge and is not acting out of any personal feelings against you.

Q: *What should I do if a bailiff serves me a subpoena to appear in court?*

A: Accepting that paperwork is the smartest option. Lying about your identity does not work, because the bailiff can serve subpoena papers on anyone present at a residence. Once you are served, it is important that you obey the subpoena. If you ignore the subpoena and fail to appear in court, the judge may send a bailiff back out to arrest you.

Q: *What do I do if the bailiff carries out a court order to seize my property?*

A: Bailiffs are authorized to enter your home or business and seize your property according to a court order, whether you are home or not. They will always leave paperwork indicating that they have done so and informing you of your options. One mistake many people make is in failing to return the "exemption" paperwork listing property or money that the law allows you to keep. Very often, filing it this paperwork can result in money coming back to you; you just have to complete the forms and return

them to the clerk of court's office in a timely manner to qualify for the return of your exempt property or money.

Q: *What should I do if a bailiff comes to evict me?*

A: A bailiff can evict a person or family pursuant to a court order. The owner or landlord will provide the manpower to do the actual moving and generally will have a locksmith available to open the door and movers, who will remove your possessions from the home and place them outside, usually at the curb. It might be wise, at that point, to arrange for your personal property to be moved or stored somewhere to keep it safe.

This "Law You Can Use" column was provided by the Ohio State Bar Association (OSBA). It was prepared by Ohio, Indiana and Kentucky attorney Paul G. Croushore, a member of the OSBA Criminal Justice Committee. The column offers general information about the law. Seek an attorney's advice before applying this information to a legal problem.