



INSTITUTE FOR JUSTICE

July 29, 2025

**Via E-Mail and U.S. Mail**

Willoughby Hills City Council  
Christopher Hallum, Mayor  
Matthew A. Naegele, Chief of Police  
Willoughby Hills City Hall  
35405 Chardon Road  
Willoughby Hills, OH 44094  
[Mayor@WilloughbyHillsOhio.gov](mailto:Mayor@WilloughbyHillsOhio.gov)  
[Council@WilloughbyHillsOhio.gov](mailto:Council@WilloughbyHillsOhio.gov)  
[policechief@willoughbyhillspolice.org](mailto:policechief@willoughbyhillspolice.org)

Re: Willoughby Hills' Unconstitutional Court Fee for Contesting  
Traffic Camera Tickets

Dear Council Members, Mayor Hallum, and Chief Naegele:

The Institute for Justice ("IJ") is writing you concerning the City of Willoughby Hills and its traffic camera photo enforcement system, which requires motorists to pay a \$25 fee to contest a ticket in municipal court. Because this court fee violates the constitutional rights of drivers and vehicle owners, and is contrary to Ohio state law, we strongly recommend that the City of Willoughby Hills reverse course and allow these tickets to be contested free of charge.

IJ is a national nonprofit law firm that has been fighting to protect individuals' constitutional rights for over 30 years. We have litigated our cases in the U.S. Supreme Court as well as in state and federal courts across the country. One of our areas of expertise is protecting individuals from unreasonable and unconstitutional fines and fees. IJ has sued dozens of local governments for infringing on citizens' property rights through the collection of unreasonable fees, as well as through procedures that violate the constitutional right to due process of law. We have challenged and are currently challenging excessive fees and due process violations in multiple

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cities, including Wilmington, Delaware, Chicago, and New York City.<sup>1</sup> In 2023, we were successful in stopping unconstitutional court fees charged by the Village of Peninsula, Ohio and the Stow County Municipal Court.<sup>2</sup>

Our work challenging these types of fees, and specifically our work in Peninsula, led us to learn about the City of Willoughby Hills and its traffic camera enforcement system, governed by Chapter 317 of the Willoughby Hills Codified Ordinances. According to Willoughby Municipal Court's website, a "filing fee" of \$25.00 must be submitted with any request for a hearing to contest a traffic camera citation, and that fee must be paid "prior to case processing." The local ordinance, § 317.06, details the right to contest a ticket but does not mention any fee. Drivers do not learn of the fee until they wish to protest the citation. Essentially, this is a fee charged for the right to defend oneself in court.

At the outset, this fee is contrary to state law governing municipalities' use of camera tickets. Specifically, Ohio Rev. Code § 4511.099 states: "[T]he court shall require the local authority to provide an advance deposit for the filing of the civil action. The advance deposit shall consist of all applicable court costs and fees for the civil action. The court shall retain the advance deposit regardless of which party prevails in the civil action and *shall not charge to the registered owner or designated party any court costs and fees for the civil action.*" The Ohio Supreme Court has interpreted this provision as requiring municipalities to bear the cost of the increase in litigation created by use of photo enforcement systems, such as the one used in Willoughby Hills. *See Newburgh Heights v. State*, 200 N.E.3d 189, 191 (Ohio 2022). The Ohio legislature did grant municipalities the authority to use traffic law photo monitoring devices and manage the court proceedings. However, what the Ohio state law does not do is permit the municipality to charge the vehicle owner for the court costs. *Dayton v. State*, 203 N.E.3d 758, 767 (Ohio App. 2022).

Further, this pre-hearing deprivation of property rights violates both the U.S. Constitution and Article I, § 16 of the Ohio Constitution. Both the Ohio Constitution and the U.S. Constitution guarantee due process of law and access to courts. The U.S. Supreme Court has consistently said that some form of hearing is required before an individual is deprived of an interest in their property. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976); *Wolff v. McDonnell*, 418 U.S. 539, 557-58 (1974). The Supreme Court has also said that defendants enjoy a right of access to the courts and should not be faced

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<sup>1</sup> See <https://ij.org/case/wilmington-impound/>; <https://ij.org/case/chicago-impound/>; <https://ij.org/case/new-york-permit-fines/>.

<sup>2</sup> <https://ij.org/effort/peninsula-fines-fees-letter/>

with fees which may exclude them from the only forum empowered to settle their disputes. *Boddie v. Connecticut*, 401 U.S. 371, 376 (1971). Charging any fee, no matter how small, before a defendant can meaningfully contest a traffic ticket goes against this core principle.

Due process requires, at minimum, a meaningful opportunity to be heard before depriving a person of a property or liberty interest, including money. *Thompson v. Ashe*, 250 F.3d 399, 407 (6th Cir. 2001). Generally, that meaningful opportunity to be heard requires an opportunity to present evidence before deprivation of property, or *before* a motorist is punished for a traffic infraction. *See Dubin v. County of Nassau*, 277 F. Supp. 3d. 366, 390 (E.D.N.Y. 2017). Drivers in Willoughby Hills are required to pay the \$25 fee to obtain their right to be heard and are thus deprived of a property interest. Charging a filing fee to exercise a right or defend a protected interest violates due process. Courts around the country have agreed. Compare *Worthy v. City of Phenix City*, 930 F.3d 1206, 1223-24 (11th Cir. 2019) (holding that scheme comports with due process when no fee is charged to contest citation), with *Crawford v. Blue*, 271 F. Supp. 3d 316, 327 (D. Mass. 2017) (holding a fee to challenge a ticket in municipal court violates due process).

Charging a fee for meaningful due process creates an unacceptable risk that innocent people will be permanently deprived of their property. Because these tickets range from \$150-\$300 in penalties, drivers believing themselves to be innocent may decide that the cost of the filing fee is not worth the risk of losing in court and may decline to present a defense. The fee creates a disincentive for drivers to challenge these violations, and virtually assures they will go uncontested, leaving officers more incentivized to issue them. An opportunity to be heard is not meaningful if it is only available to those that decide to pay for it.

The city is continuing to issue traffic camera citations and essentially putting the right to due process behind a paywall by requiring a fee to contest them. Motorists driving in Willoughby Hills then do not currently have a meaningful opportunity to contest these tickets before they are deprived of their property interest in the form of this court fee. We urge the city to reconsider that course of action. Although public safety is an important goal, it cannot come at the expense of constitutional rights.

The Institute for Justice is, willing to work with municipalities who pursue their public safety goals while protecting constitutional rights and honoring the due process protections of the state and federal constitutions. We would be willing to discuss this matter further.

Best Regards,

Bobbi Taylor  
Attorney  
Institute for Justice