

Circuit Court of Greene County

31st Judicial Circuit

State of Missouri

2010 Annual Report



Index

- Description of the Circuit Court: Missouri Circuit Courts are courts of original civil and criminal jurisdiction. That is, cases usually begin in the circuit court, which is where trials may occur. Within the circuit court, there are various divisions, such as associate circuit, small claims, municipal, family, probate, criminal, civil and juvenile. Circuit Judges, Associate Circuit Judges and Commissioners hear and decide all of these cases.
- Biographical Information of Judicial Staff
- Caseload Statistics
- Money Collected by the Circuit Clerk
- Circuit Clerk's Office
- Treatment Court
- Family Court: Domestic Relations and Juvenile Division
- Probate Court
- Jury Service and Jury Trials in 2010
- Non-Partisan Court Plan – Election 2010 results. In 2008 voters approved the use of the Non-Partisan Court Plan in Greene County. 2010 was the first election for retention of judges. Judges J. Dan Conklin, Jason Brown, Mark Fitzsimmons, Mark A. Powell and Dan Imhof were on the ballot to either be retained or not retained.



DESCRIPTION OF THE CIRCUIT COURT

Staffing

The Greene County judicial staff consists of 5 Circuit Judges, 4 Associate Circuit Judges, and 6 Commissioners. The Circuit Clerk's office is staffed by 48 persons. The Probate Division is staffed by 7 persons. The Juvenile Division is staffed by 75 persons. The Domestic Relations Division is staffed by 5 persons. There are 49 Division and Administrative staff.

BIOGRAPHICAL INFORMATION OF JUDICIAL STAFF:

Division 1 - Circuit Judge Michael J. Cordonnier

B.S. in Business Administration, 1979, University of Missouri - Columbia
J.D. 1982 at University of Tulsa-College of Law, Tulsa, Oklahoma
Trial Practice focused on Professional Negligence and Product Liability Claims and Health Care Administration,
Appointed Circuit Judge in 2008; Elected 2008.

Division 2 - Circuit Judge David Jones

A.B. Sociology/Biochemistry, 1975, Albright College, Reading, PA
J.D. 1978, Delaware Law School,
Assistant District Attorney, 1978, Philadelphia, PA
Assistant United States Attorney, 1979-2006, U.S. Department of Justice,
Private Practice, Springfield, 2006-2008,

Elected Circuit Judge, January 1, 2009

Division 3 - Circuit Judge J. Dan Conklin

B.S. in Marketing from Metro State College, Denver, Colorado,

J.D. at University of Arkansas, Fayetteville, Arkansas

Elected Associate Circuit Judge in 1986

Elected Circuit Judge in 2004,

Division 4 - Circuit Judge Thomas E. Mountjoy

B.S. Criminal Justice Administration, Central Missouri State University

J.D. at University of Missouri – Kansas City

Director of Greene County Juvenile Court Services

Assistant Prosecuting Attorney

Prosecuting Attorney of Greene County, 1983-1996

Appointed Circuit Judge Feb. 9, 1996,

Division 5 - Circuit Judge Calvin Holden

B.S. Missouri State University

J.D., 1980, Drake University, Des Moines, Iowa

Practiced Law 1980-1996,

Appointed Circuit Judge 1996,

Division 21 - Associate Circuit Judge Dan Imhof

B.S. in Political Science, 1977, Missouri State University

J.D. 1980, University of Missouri – Kansas City

Law Clerk for the Honorable Douglas Greene, S.D. Court of Appeals, 1980-1981

Assistant Prosecuting Attorney, Greene County, 1981-1982,

Private Practice in General Law for 25 years,

Elected Associate Circuit Judge, January 1, 2007,

Division 22 - Associate Circuit Judge Jason Brown

B.A. in 1985 at University of Missouri - Columbia

J.D. in 1988 at Vanderbilt University, Nashville, Tennessee

Practiced Law for 16 yrs -- last three with Lathrop & Gage

Appointed Associate Circuit Judge January 1, 2005;

Division 23 - Associate Circuit Judge Mark E. Fitzsimmons

B.S. Illinois College, Jacksonville, Ill

M.A. Western Illinois

J.D. University of Missouri - Kansas City

Practiced Law for 17 years,

Elected Associate Circuit Judge, January 1, 1999

Division 24 - Associate Circuit Judge Mark Powell

B.A. in Psychology in 1982 at Missouri State University,

J.D. in 1985 at Drake University, Des Moines, Iowa

Practiced Law at Miller and Sanford P.C 1985 to 2000

Appointed Associate Circuit Judge in March 2000,

Family Court Division 1 – Commissioner Sue Chrisman

B.S. Business, 1992, Missouri State University

J.D. 1996, University of Denver, Colorado

Law Clerk to the Honorable Russell G. Clark, 1996-2000

Practiced Law at McDonald, Hosmer, King and Royce, 2000 -2007

Appointed Family Court Commissioner August 1, 2007

Family Court Division 2 – Commissioner Scott Tinsley

B.S. at University of Missouri - Columbia

J.D. at University of Missouri - Columbia

Practiced Law for 21 years,

Appointed Family Court Commissioner in 1994,

Family Court Division 3 – Commissioner Jeff Marquardt

B.S. Finance 1980, Missouri State University

J.D. 1983, University of Missouri – Columbia

Assistant Prosecuting Attorney 1983-1988

Private Practice in Family and Juvenile Law 1988-2007

Appointed Family Court Commissioner 2007

Family Court Division 4 – Commissioner John Lukachick

B.S. Communications, Missouri State University

J.D. University of Tulsa, 1996

Private Practice in Family Law 1996-2009

Appointed Family Court Commissioner September 2, 2009

Probate Division – Commissioner Carol Aiken

B.A. in English Literature, 1979, Tufts University, Boston, MA

M.A. in Journalism, 1981, University of Missouri – Columbia

J.D. 1988 at University of Missouri – Kansas City

Practiced Law at Woolsey, Fisher, Whiteaker and McDonald 1988-1995

Office of Attorney General, 1995-1997

Appointed Probate Commissioner in 1997

Drug Court – Commissioner Peggy Davis

B.A., University of Oklahoma,

J.D., Oklahoma City University School of Law,

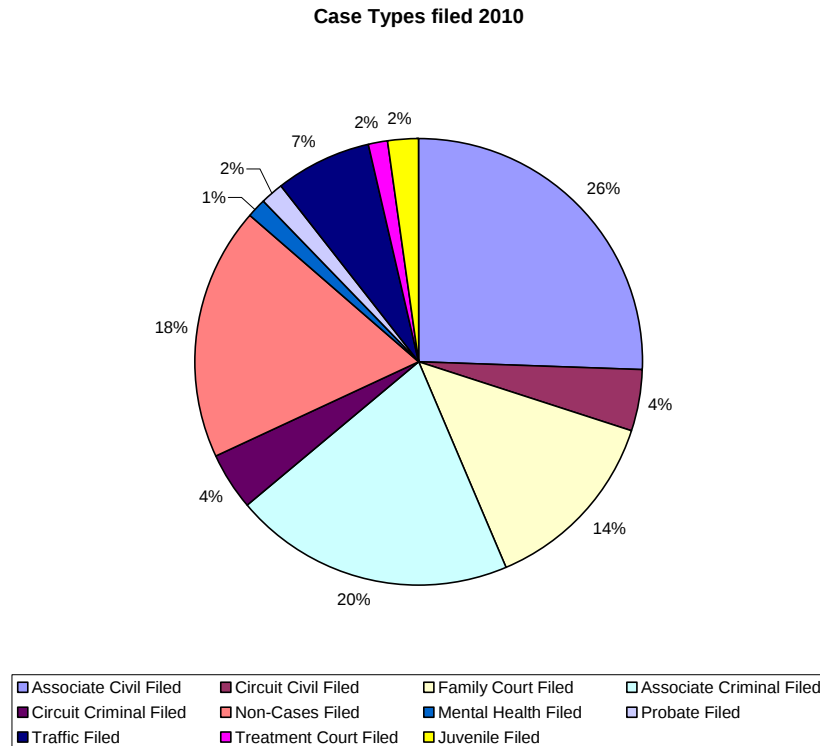
Practiced Civil Law, Public Defender and Assistant Prosecuting Attorney,

Appointed Drug Court Commissioner in August 2000



CASELOAD STATISTICS

In 2010, the Greene County Circuit Court received 45,215 new cases and disposed of 43,546 cases. The following is a break down of the type of cases filed.



Cases

Cases filed in court include civil cases that range from claims for less than \$100 to claims in the millions. Criminal cases include all misdemeanors and all felony cases. Probate cases include Decedents Estates, Minor Estates, Guardianships, Conservatorships, and Mental Health cases. Family Court hears Dissolutions of Marriage, Child Custody, Child Support, Paternity, Annulment, Adult Abuse and Child Protection cases. The Domestic Relations Unit provides Alternative Dispute Resolution services. Juvenile court cases consist of Abuse and Neglect (conduct of a child's parent or caretaker), Delinquency, Adoption and Termination of Parental Rights.

MONEY COLLECTED BY THE CIRCUIT CLERK

- \$4,931,665.54 of garnishments were collected and disbursed for 10,009 garnishments issued.

- \$2,633,142.55 was billed and collected from the Department of Corrections to reimburse Greene County for the costs of housing state inmates.
- \$1,885,726.58 was collected as court costs.
- \$664,856.17 was collected as Restitution for victims.
- \$205,709.53 was paid to the Clerk's office with a credit card.
- \$115,969.02 was collected by Alliance One (private debt collector).
- \$41,675.84 was collected by the Tax Offset program (captures state tax returns of those who owe the courts)
- \$3,056.50 was collect from misdemeanor defendants for their stay in the county jail.



CIRCUIT CLERKS OFFICE

In 2010, the Circuit Clerk's office handled a total of 33,902 new cases. Of these:

- 19,775 were civil cases
- 10,989 were criminal cases,
- 3,138 were traffic cases;
- on average, 2,825 new cases were filed per month.

In addition to this amount, we processed 8136 civil non-cases. Among these types of filings are Department of Revenue tax liens, judgments from outside of state, and search warrants.

The Greene County Circuit Clerk's office has consistently ranked in the top 10 counties state-wide whose workload has exceeded authorized employees. In 2010, they ranked the sixth highest.

In anticipation of the courts going to e-filing and hopefully, paperless courts, we acquired 4 scanners and began scanning specific types of judgments. As the State and Supreme Court change our retention requirements, we hope to address our file storage issue electronically.

Because of the continued budgetary short-falls in 2010, our office faced multiple hiring freezes from the state. We implemented several techniques to help assist us during these lean times, such as expanded cross training of employees and identifying critical benchmarks for time-sensitive actives.



TREATMENT COURT

There are seven Drug Court Programs in Greene County: Adult Drug Court, DWI Court, Mothers Choosing Change Court, Mental Health Court, Intensive Supervision Court, Family Dependency Treatment Court and Juvenile Drug Court. The primary goal of each one is to promote public safety for the citizens, families and children of Greene County by holding substance abusing individuals accountable for their behavior. Currently, there are 775 participants engaged in these programs. Referrals come from several sources, including the prosecuting attorney, judges, defense attorneys, the juvenile office, the Missouri Children's Division of the Department of Social Services, probation officers, and community social workers. The number of participants has increased 27% (566/775) from May 15, 2010. Funding for the programs comes from the Drug Courts' participants' fees and local, state, and federal monies.

The Greene County DWI Court is beginning its second three year term as one of four Academy Courts in the United States. These courts are selected by the National Highway Traffic Safety Administration and the National Center for DWI Courts (NCDC) to help promote awareness of the impact that driving drunk has on public safety, provide training to courts wanting to implement a DWI Court, and host visitors from all over the United States. Since 2008, more than 40 teams have traveled to Springfield to attend training conferences and observe the Greene County DWI Court in action.

FAMILY COURT

In 1993 the Missouri Legislature passed legislation establishing a Family Court system in Missouri including Greene County. The law became effective in August 1993. The Family Court became two Divisions: Domestic Relations and Juvenile Division.

On April 1, 1994, The Honorable Winston Davis became Greene County's first Family Court Commissioner. Subsequently on October 1, 1994, The Honorable Scott Tinsley became Greene County's Second Family Court. Today, there are four Family Court Commissioner's serving as Judicial Officers for Domestic Relations.

The Family Court- Domestic and Juvenile Division have authority to hear and make determinations in the following areas:

Domestic Relations

Cases involving Domestic Relations are heard in the Greene County Judicial Center at 1010 N. Boonville. Family Court Commissioner Findings and recommendations are subject to confirmation by an Associate or Circuit Judge. Assisting the Family Court Commissioners are Domestic Relations Officers.

- All matters involving the dissolution of marriage, legal separation, separate maintenance, child custody, modifications:
- Annulment of marriage,

- Paternity actions,
- Actions for determining and enforcing support under Chapter 454,
- Adult abuse and child protection matters under Chapter 455,
- Change of name,
- Marriage license waiting period waivers.

Juvenile Division

Cases involving the Juvenile Division are heard in the Juvenile Justice Center, 1111 N. Robberson by the Judge of the Juvenile Court. The Circuit Judge of Circuit Court Division II is presently assigned as Judge of the Juvenile Court.

- Law Violations and Status Offenses,
- Child Abuse and Neglect,
- Adoptions,
- Detention
- All matters involving jurisdiction under Chapter 210/211 RSMo and related MO Supreme Court Rules.

More detailed information on both the Domestic Relations Division and Juvenile Division may be found at www.greenecountymo.org/juvenile

PROBATE COURT

The Probate Division of the Circuit Court handles all filings of the estates of decedents who are domiciled in Greene County. This includes several types of abbreviated matters, such as Refusals to Spouse, Minors and Creditors and Small Estate Affidavits. These matters are routinely handled quickly and easily where the assets are of limited value. Generally, in estates that have assets over \$40,000.00, a full estate would be opened and a Personal Representative appointed by the Court to administer the assets. The Probate Division has been established primarily to protect the rights of one's heirs, beneficiaries under a will and creditors, and to assure the orderly transfer of property. The Probate Division in Greene County handles probate and related matters exclusively.

In addition to administering decedents' estates, the Probate Division has general supervisory jurisdiction over the estates of minors and those adults whom the Court finds to be disabled and/or incapacitated. A guardian is a person who has been appointed by the Court to have the care and custody of a minor or of an adult person who has been legally determined to be incapacitated. A conservator is a person or a corporation, such as a bank or trust company, appointed by the Court to manage the assets of a minor or of an adult person who has been legally determined to be disabled.

Other types of cases filed in the Probate Division include all matters relating to trusts, involuntary civil commitments and related mental health cases and filings by the Missouri Attorney General to determine if a person is a sexually violent predator.

The Probate Division supervises the ongoing administration of over 2250 cases. In the year 2010, 1503 new cases were filed in the Probate Division and \$221,565.13 was collected and disbursed as court costs and fees.



INFORMATION ABOUT JURY SERVICE:

When people are selected for jury service they receive a summons in the mail requesting information about their status in about 30 days. They are requested to complete the form, detach the lower half, and mail it back to the jury office. Requests for a hardship can be written on the back of the form to be reviewed by the jury staff. Requests to postpone jury duty will be granted and an alternative date within the next 6 months will be assigned, or individuals can simply check the "I'm Qualified box" and mail it back. Jury service is usually for one week or one trial. Occasionally, trials may last up to two weeks. Jurors typically complete their service in two or three days. Jurors should be prepared to spend most of the day at the courthouse.

Free parking is available for jurors in the parking lot around the courthouse and directly across the street as well as the parking lot to the north of the Greene County archives building.

Jurors receive no payment for the first two days of service, but will receive \$50 per day for the third day and each subsequent day thereafter, plus 7 cents per mile round trip from

your residence to the courthouse. Checks are mailed to jurors after their service is complete.

Persons summoned for jury duty are required by law to serve as a juror. Missouri law provides that employers may not terminate persons from employment or discipline people because of performing jury service. A person who is summoned for jury service and who willfully fails to appear is guilty of criminal contempt and upon conviction may be fined up to \$500.00.

Jury service is a high duty of citizenship as well as an honor that commands one's pride. To be a juror sitting in judgment on the law of the land is one of our most basic responsibilities, greatest opportunities, and most important individual human rights.

Jury Trials in 2010

There were 25, 000 people summoned for jury service in Greene County in 2010. Of that number, 524 actually served on a jury. There were 83 jury trials conducted in Greene County in 2010, 40 civil, 43 criminal. The total combined days served by jurors was 2,081. Greene County paid out \$52, 917.85 for juror fees and mileage. The average cost per completed jury trial was \$637.56 in 2010.

NON-PARTISAN COURT PLAN

Since 1850 Judges have been elected in Missouri, but by the beginning of 20th century a dissatisfaction and concern over the effects of political influence developed. It was this concern that eventually lead to Missouri adopting a different process to select and retain judges. This process is called the Non-Partisan Court Plan. The history of the Non-Partisan Court Plan is detailed at the website of "The Missouri Bar Association".

In 2008 voters approved the use of the Non-Partisan Court Plan in Greene County. 2010 was the first election for retention of judges. Judges J. Dan Conklin, Jason Brown, Mark Fitzsimmons, Mark A. Powell and Dan Imhof were on the ballot to either be retained or not retained.

In an effort to give the public information about judges on the ballot, The Missouri Bar Association prepared an in-depth evaluation of Missouri non-partisan judges with committees of lawyers and non-lawyers. The committees made recommendations on whether each of the non-partisan judges who were standing for retention in the November general election should or should not be retained. They released a narrative evaluation summary that provided extensive information about each judge's performance; juror evaluations of trial-level judges who presided over jury trials; and a survey of lawyers' ratings of each judge.

The evaluation rated the judges on a scale of 1 to 5 with 5 being the highest. The Greene County judges all received 4.0 or higher on the survey questions. The evaluation also recommended that the judges "Be Retained".

The results of the 2010 election were that Judge Conklin received a 77.97 % “Yes” vote; Judge Imhof received a 76.90% “Yes” vote; Judge Brown received a 76.41% “Yes” vote; Judge Fitzsimmons received a 76.70% “Yes” vote and Judge Powell received a 77.05% “Yes” vote. We view these election results as very favorable to the court.