

SC95791

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IN THE MISSOURI SUPREME COURT

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CIRCUIT COURT OF THE 45<sup>th</sup>  
JUDICIAL CIRCUIT OF MISSOURI,  
CHRIS KUNZA-MENNEMEYER  
PRESIDING CIRCUIT JUDGE,  
Appellant.

v.

LINCOLN COUNTY, MISSOURI,  
BY AND THROUGH THE LINCOLN  
COUNTY COMMISSION,  
Respondent,

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RESPONDENT'S BRIEF

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### **Statement of Facts**

Respondent submits the following additional facts:

Respondent, Lincoln County filed a Petition for Review on January 29, 2016 in the Judicial Finance Commission against the Circuit Court of the 45<sup>th</sup> Judicial Circuit (“Circuit Court”). (L.F. 3). The only question presented to the Judicial Finance Commission was the reasonableness of the 45<sup>th</sup> Judicial Circuit Court’s \$35,000 budget estimate to pay attorney’s fees to represent the Circuit Court in litigation during the 2016 budget year under §50.640.2 and §477.600 RSMo. (L.F. 632). Appellant has stated and Respondent agrees that the only issue on appeal before this Court is the reasonableness of the Circuit Court’s 2016 budget estimate of \$35,000 for its own attorney’s fees. (Appellant’s brief p. 2, 9).

In its June 2, 2016 decision, the Judicial Finance Commission determined that the total attorney fee bills submitted by affidavit to the Judicial Finance Commission by the Circuit Court, \$8,745 and \$12,060, were reasonable and should be paid by the County. (L.F. 634-635). The Judicial Finance Commission concluded that \$26,525 of the \$35,000 in the Circuit Court’s budget was speculative and unreasonable. (L.F. 636) The Judicial Finance Commission ordered the County to pay the Circuit Court’s legal fees for the 2016 budget

appeal, \$12,060, from the County's own budget for outside counsel and pay \$8,745 from the Court's budget request. (L.F. 635-636).<sup>1</sup>

This appeal involves attorney's fees for two separate legal matters involving the 45<sup>th</sup> Judicial Circuit Court in 2016 for which the Circuit Court has incurred legal fees. The first is Lincoln County's Petition for Review of the 2016 budget before the Judicial Finance Commission, Case No. 16-0077. (L.F. 304-305, 622-23). The second is the Writ of Mandamus filed by the Circuit Court in State ex rel. Menemeyer v. Lincoln County, Missouri, Cause No. 15L6-CC00150 to force payment of a court-appointed juvenile officer's attorney's fee. (L.F. 297-303). The second lawsuit, a writ of mandamus filed by the Circuit Court, arose from Lincoln County's 2015 budget appeal to the Judicial Finance Commission and the settlement reached in that case, Case No. 15-0076. (L.F. 415, 460-472).

In 2015, Lincoln County filed a Petition for Review before the Judicial Finance Commission, Case No. 15-0076. (L.F. 46). Lincoln County disputed the Circuit Court's budget request for \$41,440 for the juvenile officer's attorney salary

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<sup>1</sup> The County placed \$35,000 in escrow, the disputed 2016 budget item amount.

(L.F. 5). The County also has a general fund budget item for "legal and contracted services." (L.F. 81). All of the attorney's fees submitted in affidavits by the Circuit Court to the Judicial Finance Commission in the 2016 appeal have now been paid by the County. (Exhibit C attached to Respondent's Motion to Dismiss).

because Lincoln County had budgeted \$25,000 for the juvenile officer's attorney salary which was to be paid out of the County's budget for the Prosecuting Attorney's Office. (L.F. 46). The Judicial Finance Commission ordered mediation and on March 9, 2015 the parties reached a mediated settlement agreement. (L.F. 8-10, 463). The settlement agreement reached between the County and the Circuit Court was signed by the Honorable Chris Kunza-Mennemeyer, Circuit Judge. (L.F. 10). Among other things, the agreement provided that the County would pay the Circuit Court's attorney fees in the amount of \$12,000 for representation before the Judicial Finance Commission in 2015. (L.F. 9, 474). The 2015 budget appeal, Case No. 15-0076, was concluded by settlement and the Judicial Finance Commission denied the Circuit Court's motion for further hearing and payment of ongoing attorney's fee. Attorney fees for the 2015 appeal are not at issue in this appeal.

In a separate action, the 45<sup>th</sup> Judicial County Circuit Court filed a writ of mandamus against Lincoln County , State ex rel Mennemeyer v. Lincoln County, Cause No. 15L6-CC00150. In that case, the Circuit Court sought a Writ of Mandamus to direct Lincoln County to pay court-appointed attorney, Jesse Granneman \$12,165 for legal work done as the Juvenile Officer for the Circuit Court from January 2015 through April 2015 and the Honorable David Dowd issued a preliminary Writ. (L.F.415-16). Lincoln County filed an Answer and Motion to Dismiss based on the March 9, 2015 settlement agreement in the



Judicial Finance Commission appeal as the \$12,165 attorney fee amount ordered for attorney Jesse Granneman was contrary to the March 9, 2015 settlement agreement. (L.F. 460-467). On June 13, 2016, the Honorable David Dowd entered an Amended Order and Judgment in that case which ordered Lincoln County to pay Granneman \$6,319.43 per the terms of the March 9, 2015 settlement agreement and denied the Circuit Court's request for a permanent Writ of Mandamus. (Appendix p. 23-28). Judge Dowd in the Amended Judgment denied the Circuit Court's request for its attorney's fees in seeking the writ of mandamus. See *State of Missouri ex rel. Mennemeyer v. Lincoln County, Missouri*, Cause No. 15L6-CC00150.<sup>2</sup>

In December 2015, the Circuit Court submitted a proposed budget for 2016 which included a line item in the Circuit Court administration budget of \$35,000 for estimated attorney's fees. (L.F. 5, 17, 244). Lincoln County objected to the reasonableness of the \$35,000 request by the Circuit Court for estimated legal fees because the County in its own budget had a line item for attorney's fees for outside counsel. (L.F. 81). The County, in the prior year, had paid for the Court's attorney

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<sup>2</sup> The Circuit Court, on October 21, 2016 filed an appeal of the Amended Judgment denying the Writ of Mandamus to the Missouri Court of Appeals, Eastern District, Appeal No. ED104941 which is pending and presumably accruing more attorney fees.

fees from this budget. (L.F. 5, 474). The parties agreed to submit the dispute to the Judicial Finance Commission via affidavits and briefs filed by the parties. (L.F. 633). The Circuit Court presented as evidence before the Judicial Finance Commission affidavits of attorney Robert Guinness seeking reimbursement for legal services in representing the Circuit Court before the Judicial Finance Commission from February 2016 through June 2016 totaling \$12,060. (L.F. 297-305, 622-23). Mr. Guinness also stated in his affidavit that he rendered legal services to the Circuit Court in 2016 for the Writ of Mandamus action filed by the Circuit Court against the Lincoln County Commission through March 2016 totaling \$8,475. (L.F. 297-303). Lincoln County submitted affidavits that the County has in its own budget a line item, #01-5.500.120, for legal expenses for outside counsel to cover the cost of attorney's fees to represent the Circuit Court in litigation, including litigation before the Judicial Finance Commission. (L.F. 81, 474-478). These affidavits were the only evidence of billed legal fees presented to the Judicial Finance Commission for attorney's fees accrued in 2016.

The Judicial Finance Commission rendered its opinion and decision on June 2, 2016. The Commission found that \$8,475 of the Court's \$35,000 budget request for attorney fees was reasonable and that the County should pay that amount to the Circuit Court. (L.F. 636). The Judicial Finance Commission also concluded that Mr. Guinness's \$12,060 bill for legal work on the Judicial Finance Commission

appeal was reasonable and could be paid out of the County's budget. (L.F. 635).

The County paid Mr. Guinness's attorney fees on the Judicial Finance Commission from the County's general revenue budget. (Exhibit C attached to Respondent's Motion to Dismiss the Appeal). The County has now paid the \$8,470 to Mr. Guinness from the escrow amount. (Exhibit C). All attorney's fees submitted up to the date of the Judicial Finance Commission decision have now been paid by the County. Appellant appeals the Judicial Finance Commission's denial of \$26,526 requested by the Circuit Court for unbilled attorney's fees in 2016. The County moves to dismiss the appeal as moot.

## Argument

- I. The Judicial Finance Commission correctly determined that \$26,526 of the \$35,000 contained in the Court’s 2016 budget request for attorney’s fees was factually unreasonable because the County has a line item in its own budget to pay attorney’s fees for outside counsel needed to represent the Circuit Court in the Judicial Finance Commission as well as other litigation and the Circuit Court is not entitled as a matter of law to have estimated legal fees in its proposed budget when those fees are speculative and/or covered in the County’s budget. (Response to Appellant’s points I, II and III).**

### **A. Standard of Review**

Pursuant to §477.600.7 RSMo., the Supreme Court reviews the decision of the Judicial Finance Commission *de novo*, but accords its conclusions regarding reasonableness of the Circuit Court expenditures that degree of deference due in view of its legislative genesis and statutory functions. *Bosley v. Berra*, 688 S.W.2d 353, 354 (Mo. banc 1985); *In re 1984 Budget for Circuit Court of St. Louis County*, 687 S.W.2d 896, 899 (Mo. banc 1985). The Supreme Court “does not engage in any close reconsideration of the Commission’s conclusions with respect to reasonableness of the Circuit Court expenditures where the basis for such

conclusions is apparent from the record.” *Cooper County v. Circuit Court of the 18<sup>th</sup> Judicial Circuit of Missouri*, 124 S.W.3d 466, 467 (Mo. banc 2004). The Circuit Court has “the burden of convincing the Judicial Finance Commission that the amount estimated by it and included in its budget is reasonable. *Id.*

The parties do not dispute that the Circuit Court is entitled to reasonable attorney’s fees for representing the Circuit Court before the Judicial Finance Commission. In fact, Lincoln County paid the Circuit Court’s attorney’s fees from its 2015 general fund budget for the Judicial Finance Commission appeal in 2015. Appellant, however, argues that in 2016 the County should approve the Circuit Court’s budget for estimated legal fees of \$35,000 as a line item in the Circuit Court’s budget rather than a line item in Lincoln County’s budget. (L.F. 244). Appellant’s argument, in effect, is simply that the County must pay a bill from its left pocket rather than its right pocket.

**B. The Circuit Court is not entitled “as a matter of law” to include legal fees in its own budget when they are otherwise covered in the County’s budget.**

Respondent, Lincoln County does not dispute Appellant’s right to have its reasonable and necessary attorney’s fees paid in either the Petition for Review before the Judicial Finance Commission or in other litigation involving the Court

in its official capacity. In fact, Lincoln County from the County's own 2015 budget paid the law firm of Blitz, Bardgett and Deutsch, LC, \$12,000 for representing the Circuit Court in the 2015 Petition for Review before the Judicial Finance Commission. (L.F. 9, 474). Appellant, however, argues that attorney's fees for representing the Circuit Court must be budgeted and paid from the Circuit Court's own budget "as a matter of law" and the Judicial Finance Commission's Decision improperly relied on the County's assertion its budget covered those fees. (Appellant's brief p. 21-27).

In support of its argument, Appellant cites *Cooper County v. Circuit Court of the 18<sup>th</sup> Judicial Circuit*, 124 S.W. 3d 466 (Mo. banc 2004). In *Cooper County*, this Court held that a budget dispute before the Judicial Finance Commission in one budget year which results in an adverse decision against the circuit court, is not *res judicata* or collateral estoppel in a separate fiscal year. *Id.* at 469. Therefore, this Court held that attorney's fees to defend the Circuit Court before the Judicial Finance Commission in the subsequent budget year were not unreasonable as a matter of law. *Id.* at 469.<sup>3</sup> In *Cooper*, the budget appeal was remanded to the Judicial Finance Commission to review whether the actual legal bills submitted

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<sup>3</sup> This Court reasoned that because of the nature of court budget requests, decisions of the Judicial Finance Commission do not have *res judicata* effect on subsequent petitions for review. *Id.*

were reasonable. *Id.* On remand, the Judicial Finance Commission determined that \$5,000 each year was reasonable attorney's fees for representing the Circuit Court before the Commission in 2003 and 2004 because "Respondent's attorney offered sufficient evidence that he has performed work commensurate with the amounts sought as attorney's fees." *Cooper County, v. 18<sup>th</sup> Judicial Circuit, Case Nos. 03-0064 and 04-0066* p. 6. Nowhere in *Cooper County* does this Court state "as a matter of law" that the Circuit Court must include estimated attorney's fees in the Court's budget as opposed to a line item in the County's budget. This Court requires the Judicial Finance Commission to determine the reasonableness of the legal fee request by evaluating "the discrete and concrete elements proposed for it through which the item is given meaning." *Cooper, Id.* at 467; *Bosley v. Berra*, 688 S.W.2d 353, 355 (Mo. banc 1985). Just because attorney's fees can be a "lawful expenditure" under §477.600 RSMo. does not mean the expense is required to be covered in the Circuit Court budget rather than the County's budget. *In re 1984 Budget for the Circuit Court of St. Louis County*, 687 S.W.2d 896, 901 (Mo. banc 1985). In other words, the Judicial Finance Commission looks at the whole budget of both the Circuit Court and the County and looks to the factual support for proposed prospective budget items, i.e., past year amounts and percentage increases for fixed future costs.

This Court in *In re 1984 Budget for the Circuit Court of St. Louis County*, found that amounts for attorney's fees submitted by the St. Louis County Circuit Court to represent the court in litigation arose from the court's official administrative duties and were reasonable expenses necessary to carry out the court's functions. 687 S.W.2d at 900. Contrary to Appellant's argument, however, in that case, St. Louis County Circuit Court submitted in its 1984 budget specific attorney fee amounts due for the court's defense in the prior year for two lawsuits filed against it. *Id.* at 987. In the *In re 1984 Budget* case the circuit court had incurred \$126,471 in attorney fee bills in 2003 which is still owed and included them in the 2004 budget request.

Here, the only specific request for legal fees for non- Judicial Finance Commission litigation was \$8,475 in attorney fees incurred as of April 1, 2016 for the Circuit Court's lawsuit filed November 2015, State ex rel Mennemeyer v. Lincoln County, Cause No. 15L6-CC00150. (L.F. 634). The Judicial Finance Commission in its June 2, 2016 decision found this amount reasonable. (L.F. 634). Lincoln County has now paid the \$8,475 attorney fee bill. (Exhibit C, Motion to Dismiss Appeal). The Judicial Finance Commission found the sum estimated by the Circuit Court for future attorney fees and "possible" future litigation was speculative. (L.F. 685). Neither this Court's opinions in *Cooper County* nor in *In re 1984 Budget* hold, as a matter of law, that the Circuit Court is entitled to budget



unbilled or speculative attorney fees as reasonable expenses in the Circuit Court's budget. In fact, the exact opposite is true. In *In re 1984 Budget*, this Court noted that the attorney fees were necessary to defend the circuit court in a federal court action and the amounts were not speculative future fees but accrued fees which St. Louis County did not challenge as unreasonable amounts. *Id.* at 901. The Judicial Finance Commission correctly considered amounts budgeted in Lincoln County's budget to determine whether the \$35,000 was reasonable in the Circuit Court's budget.

**C. Using the statutory factors set forth in §50.640.2 and §477.600 RSMo., the Judicial Finance Commission correctly found \$26,525 of the Circuit Court's \$35,000 budget estimate was speculative and factually unreasonable.**

The Judicial Finance Commission is required to consider whether the Circuit Court's budget estimate is reasonable in relation to the entire County budget and "the Circuit Court shall have the burden of convincing the Judicial Finance Commission that the amount estimated by it and included in the budget is reasonable." §50.640.2 RSMo.<sup>4</sup> In determining reasonableness, the Judicial Finance Commission shall consider whether the expenditure is necessary to support the

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<sup>4</sup> All statutory references are to RSMo.(Supp. 2013) unless otherwise indicated.

Circuit Court in relation to the expenditures proposed in all other County budget items for other County functions and consider the total estimated available revenue from all sources. *Mo. Sup. Ct. Op. Rule 12-13.17*; §50.640.2 *RSMo*. The Judicial Finance Commission is required to determine reasonableness of a particular line item by evaluating “the discrete and concrete elements proposed for it through which the item is given meeting.” *Cooper County*, 124 S.W.3d at 467. If money for the expense requested by Circuit Court is covered elsewhere in the County’s budget or by other available sources, the Judicial Finance Commission may be justified in finding that some or all of the estimated expense is unreasonable. *In re 1983 Budget for the Circuit Court of St. Louis County*, 665 S.W.2d 943, 945 (Mo. banc 1984) (professional liability insurance costs for judges was not a reasonable budget expense where the judges’ liability was covered under the State Legal Defense Fund.) Where in the past, an expense has otherwise been budgeted by the County in its own budget, it is unreasonable for the Circuit Court to duplicate the expense in the Court’s budget. *Id.*

Lincoln County submitted evidence to the Judicial Finance Commission that it had, in the past, paid the Court’s attorney fees from its own general fund budget. (L.F. 474). The County submitted evidence that it has a line item in its general fund, #01-5.500.120 to cover the Circuit Court’s attorney fees in 2016. (L.F. 81, 474). The Judicial Finance Commission relied on this evidence to support its June

2, 2016 decision. (L.F. 635). It is apparent from the record that the Judicial Finance Commission had a reasonable basis for its conclusion that the Court's attorney fees for the 2016 Petition for Review were adequately covered in the County's budget. (L.F. 635). In fact, the County has paid those attorney fees from its 2016 general fund. Appellant's argument on appeal that the Circuit Court's \$35,000 estimated budget is reasonable based in part on attorney fees that have already been paid by the County is illogical. To continue to litigate the issue only accrues more legal fees. At some point the Circuit Court's budget estimate becomes a self-fulfilling prophecy.

The Judicial Finance Commission did find reasonable \$8,470 of the budget request which was a specific amount billed for attorney fees incurred by the Circuit Court in litigation it initiated, *State ex rel. Menemeyer v. Lincoln County*, Case No. 15L6-CC00150. (L.F. 634-635). The Judicial Finance Commission found attorney fees are a permissible Court expense and the \$8,470 bill for attorney fees to represent the Court was a reasonable expense.<sup>5</sup> (L.F. 634). The Judicial Finance Commission, however, found "speculative" and factually unreasonable the Circuit

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<sup>5</sup> Respondent has now paid the Circuit Court's \$8,470 attorney's fees bill even though Judge Dowd denied those attorney fees in the June 13, 2016 Amended Judgment. *State ex rel. Menemeyer v. Lincoln County*, Case No. 15L6-CC00150.

Court's request for unbilled attorney fees for a "prospective action" against the Sheriff's Department and an "unspecified amount" in prospective attorney's fees for litigation the Circuit Court may pursue to compel payment of court appointed attorneys serving as guardians ad litem and parent attorneys in juvenile matters in 2016. (L.F. 635-636). The Commission determined that these potential expenses were entirely speculative and not based on reoccurring or predictable future expenses. (L.F. 636). The Circuit Court's budget estimate was not factually reasonable. The Supreme Court should not engage in any "close reconsideration of the Commission's conclusions with respect to reasonableness of Court expenditures where the basis for such conclusions is apparent from the record." *Cooper County* 124 S.W. 3d at 467. Here, it is apparent that the Judicial Finance Commission considered all of the concrete expenses submitted by the Circuit Court in affidavits and exhibits to the Judicial Finance Commission before its June 2, 2016 decision. It also considered amounts budgeted for outside counsel attorney fees in the County's budget as well as past budget practices. This Court should affirm the decision of the Judicial Finance Commission as it is based on factual amounts in the record.

**II. It is within the Judicial Finance Commission's sound discretion whether to dismiss a Petition for Review under Mo. Sup. Ct. Op.**

**Rule 12-11.09 and therefore the denial of Appellant's motion by the Judicial Finance Commission was not improper or reversible.**

**(Response Appellant's Point IV)**

### **A. Standard of Review**

Pursuant to §477.600.7 RSMo., the Supreme Court reviews the decision of the Judicial Finance Commission *de novo*, but accords its conclusions regarding reasonableness of the Circuit Court expenditures that degree of deference due in view of its legislative genesis and statutory functions. *Bosley v. Berra*, 688 S.W.2d 353, 354 (Mo. banc 1985); *In re 1984 Budget for Circuit Court of St. Louis County*, 687 S.W.2d 896, 899 (Mo. banc 1985).

On March 23, 2016 the Judicial Finance Commission denied Appellant's motion to dismiss Lincoln County's petition for review based on Court Operating Rule 12-11.09. (L.F. 274). Supreme Court Operating Rule 12-11.09 allows the Judicial Finance Commission to refuse to accept a Petition for Review where "the percentage increase of the Judicial budget is equal to or less than the percentage increase of the County government budget or where four members vote to reject consideration of the case." *Mo. Sup. Ct. Op. Rule 12-11.09*. Appellant argues that this Court should reverse the decision of the Judicial Finance Commission, dismiss the County's petition for review and let the Circuit Court budget stand because the

percentage increase of the Judicial budget was significantly less than the percentage increase of the County government budget. (Appellant's brief p. 45). Appellant claims review on this point is *de novo*. (Appellant's brief p. 43). However, in applying review under §477.600 RSMo., this Court must consider the Commission's statutory function as arbiter of circuit court budget disputes. *Bosley v. Berra*, 688 S.W.2d at 354.

The Judicial Finance Commission operates under Operating Rule 12. Missouri Sup. Ct. Op. Rule 12-11.09 provides:

The commission, without argument and without a hearing, **may** refuse to accept any petition where the percentage of increase of the judicial budget is equal to or less than the percentage increase of the County government budget...

In interpreting its own rules, the Supreme Court applies the plain language of the rule at issue just as in statutory interpretation. *In re Hess* 406 S.W.3d 37, 44 (Mo. banc 2013). The term "shall" in a Supreme Court rule is mandatory. *State ex rel. Vee-Jay Contracting Co. v. Neill*, 89 S.W.3d 470, 472 (Mo. banc 2002). The word "may" used in a rule means the action is discretionary and the conferee has the power to exercise discretion in applying the rule. *State Board of Accountancy v. Integrated Financial Solutions, LLC*, 256 S.W. 3d 48 (Mo. banc 2008); *State ex rel. Nixon v. Boone*, 927 S.W. 2d 892, 897 (Mo. App. W.D. 1996). The term

“may” used in the Supreme Court Operating Rule means the Judicial Finance Commission has discretion. The Operating Rule does not require the Judicial Finance Commission to dismiss a Petition for Review under these circumstances and the Judicial Finance Commission’s decision to accept Lincoln County’s Petition for Review was within the Commission’s sound discretion as arbiter of Circuit Court budget disputes. The Supreme Court should not dismiss the petition for review under Court Operating Rule 12-11.09.

### **Additional Argument**

**III. The Circuit Court’s appeal is moot because all of the attorney fees submitted to as of the June 2, 2016 decision have now been paid by the County and no factual controversy exists.**

#### **A. Standard of Review**

A threshold question of jurisdiction in any appellant review is the mootness of the controversy. *In re C.T.*, 432 S.W.3d 283, 285 (Mo. App. E.D. 2014). Because mootness implicates justiciability the Court must address whether a case is moot before addressing the merits of the appeal. *State ex rel. Reed v. Reardon*, 41 S.W.3d 470, 473 (Mo. banc 2001).

An appeal should be dismissed as moot when “the question presented for decision seeks a judgment upon some matter which, if rendered, would not have any practical effect upon a then existing controversy. *State ex rel. Davis v. City of St. John*, 230 S.W.3d 351, 352 (Mo. App. E.D. 2007). “When an event occurs that makes a court’s decision unnecessary or makes granting effectual relief by the court impossible, the case is moot and should be dismissed. *Id.* In determining whether a question is moot the court may look outside the record. *In re Estate of Washington*, 277 S.W.3d 777,780 (Mo. App. E.D. 2009).

As stated in Respondent’s Motion to Dismiss, all of the attorney fee bills accrued prior to the Judicial Finance Commission’s June 2, 2016 decision have now been paid. The fact that Appellant may incur additional attorney fees to appeal the Judicial Finance Commissions decision which allowed all existing attorney fees is further evidence of the sound reasoning for dismissing the appeal as moot. When attorney fees awarded in a judgment have been voluntarily paid that issue on appeal is moot. *City of O’Fallon v. Century Link, Inc.*, 491 S.W.3d 276, 283 (Mo. App. E.D. 2016). The attorney fees found reasonable by the Judicial Finance Commission have now been paid. Any other attorney fees not billed at the time of the June 2, 2016 decision would require new evidence as to their reasonableness. The issue on appeal in the 2016 budget is moot and this appeal should be dismissed.



### **Conclusion**

Based on the foregoing premises, Lincoln County asks that the Circuit Court's appeal be dismissed as moot. In the alternative, this Court should accord the Judicial Financial Commission's decision regarding the reasonableness of the Circuit Court's 2016 expenditures that degree of deference due in view of its legislative genesis and statutory functions and affirm the decision of the Judicial Finance Commission.

Respectfully submitted,

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### **RULE 84.06 CERTIFICATION**

The undersigned certifies as follows:

1. This brief contains the information required by Rule 55.03.
3. This brief complies with the limitations contained in Rule 84.06(b).
4. This brief contains 4,923 words.
5. This brief contains 571 lines.
6. This brief is filed in PDF format.
7. This brief has been scanned and is virus-free.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this document was filed with the Court and served through the Court's electronic filing system on October 31, 2016 to all parties of record.

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