

# Missouri Judicial Report

Fiscal Year 1997

For the Period Covering July 1, 1996 through June 30, 1997



Chief Justice Duane Benton



Supreme Court of Missouri  
P. O. Box 150  
Jefferson City, Mo. 65102  
CHAMBERS OF  
DUANE BENTON, CHIEF JUSTICE

It is my pleasure to present the Missouri Judicial Report for the year ending June 30, 1997. The report reflects the Judiciary's and its court staffs' continuing progress in eliminating unnecessary delay and their commitment to improvement in the administration of justice. I commend the judges and staff for their many endeavors to ensure the citizens of Missouri an outstanding judicial system.

A handwritten signature in cursive script that reads "Duane Benton".

## Electronic Courts/2004

### ***Andersen Consulting and Missouri Court Automation Committee Complete Planning Document***

The general systems contractor's primary task was completed July 20, 1996. Working jointly with the Missouri Court Automation Committee (MCA), the Office of State Courts Administrator, the Supreme Court, and court representatives, Andersen Consulting developed an EC/2004 Information Architecture (EIA) for an information system that will allow access to electronic case information by the circuit courts, appellate courts, the Missouri Supreme Court and other state agencies, in addition to members of the bar and the public. Andersen's report consists of six three-inch binders which will provide the blueprint for automation

of the Missouri Courts. In addition to the EIA, Andersen's support included: physical assessment of 26 court buildings and documentation of hardware and cable requirements; Lotus Notes design support; project risk assessment for the MCA Committee; and support for development of the statewide case management application Request for Proposal (RFP).

### ***Selection of a Statewide Case Management System***

The goal of developing a statewide court case management system has been a core concept of the court automation project. Missouri is on the cutting edge of implementing an integrated statewide system. The integrated system will include:

- ♦ integration of events and procedures common for all case types;

- ♦ establishment of schedules according to local court rules;
- ♦ document generation facilities for notifying case parties and satisfying legal requirements for court records;
- ♦ case recording activities which satisfy legal requirements including creation and maintenance of docket sheets;
- ♦ all accounting functions necessary to satisfy the court's fiduciary responsibilities; and
- ♦ handling of traffic, criminal, civil, probate, family and juvenile, and appellate case processing.

The Request for Proposal (RFP) and subsequent award of contract for the statewide case management system was completed during this fiscal year. The RFP was published in September 1996. Bid responses were opened in November and reviewed for compliance with

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## Electronic Courts/2004

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requirements. After review, three vendors were invited to on-site demonstrations of their products in Jefferson City. Demonstrations took place in January 1997. These demonstrations lasted three days for each vendor and were attended by an average of 120 court representatives. Represented were the Supreme Court, all three appellate districts, and 44 counties. Feedback from representatives generated 120 pages of comments on strengths and weaknesses of the vendors and were used by the formal evaluation team during the analysis process.

On April 2, 1997, the Supreme Court of Missouri announced the award of a five year contract to Systems and Computer Technology (SCT) Corporation based in Lexington, Kentucky.

The cost of the Banner Case Management System from SCT Corporation is approximately \$7.9 million during the five years of the contract. This cost includes the purchase of the software with unlimited licenses for use within the judiciary, its ongoing maintenance, initial modifications to meet the requirements of the state, and project management and training through the installation and acceptance of the system in the three pilot courts: Montgomery County, Jackson County (for civil and domestic relations cases), and the Court of Appeals-Eastern District.

### **Fitting The Banner Software to Missouri Court Needs**

As soon as the contract was awarded, staff from SCT, the Office of State Courts Administrator and Missouri courts began

the process of fitting the Banner software to Missouri court needs. Banner provides a flexible software platform which allows users (without programmer intervention) to define the codes, procedures (operating rules) and forms to meet many of the courts' requirements.

Four trial court functional "fit teams" (civil, criminal, probate and traffic) were formed. These teams included court staff selected for their leadership, experience, enthusiasm and willingness to cooperatively develop a system that will work for all courts in Missouri. They represent urban and rural courts, automated and manual courts and the courts that have volunteered to pilot test the Banner software. Each team met for two to three weeks. Their tasks were to learn the Banner software, decide on code tables, prioritize forms to include in Banner and evaluate how Banner could be used with their local case processing. The process provided invaluable information for the SCT and OSCA personnel involved in the project.

This "fit team" procedure is scheduled to be repeated with representatives from the appellate courts and the Supreme Court in the first quarter of FY 1998.

By January, 1998, it is anticipated that Banner will be installed in two of the pilot sites: Montgomery County (for financial and case management of all trial court case types) and the Court of Appeals - Eastern District. Jackson County (for civil and domestic relations cases) is scheduled for the third quarter of FY 1998. Judges and staff of the pilot sites have already invested a great deal of time and effort to assure a successful test of the Banner software.

### **Committees**

At the Spring Missouri Court Automation (MCA) meeting, three new task teams were formed. They are Change Control, Case Management Implementation Planning, and Family and Juvenile. These teams are in the early stages of organization, but members have been named and the principle functions of the teams have been defined. Change Control, chaired by Jaci Morgan, 16th Circuit, will evaluate and moderate change requests which affect the Banner Courts case management software application. Case Management Implementation and Planning, chaired by Judge Robert Heller, 37th Circuit, will plan the installation of the Banner Courts application at subsequent court locations after the pilot implementation presently in process. Family/Juvenile Court Case Management Task Team, chaired by Gary Waint, OSCA, will be developing the requirements for a comprehensive case management system for the family and juvenile courts.

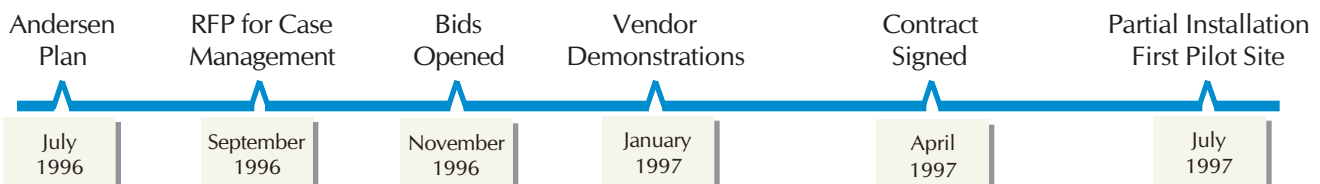
### **Judicial Internet Pages**

Missouri's Judicial presence on the Internet has been expanding since the first of the year. At this time, Web-available information includes: current hand-downs from the three Appellate districts and the Supreme Court, and local court information on the Court of Appeals, the Supreme Court, and some of the Circuit Courts. Local information can include local court rules, biographies on judges, office hours and phone numbers, addresses for courts, special information for a specific court, and job postings. Links are made from the Judicial home page and users browse depending on the information they need. The Internet address for Missouri's judicial home page is: [www.osca.state.mo.us](http://www.osca.state.mo.us)

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### **Case Managment System Timeline**

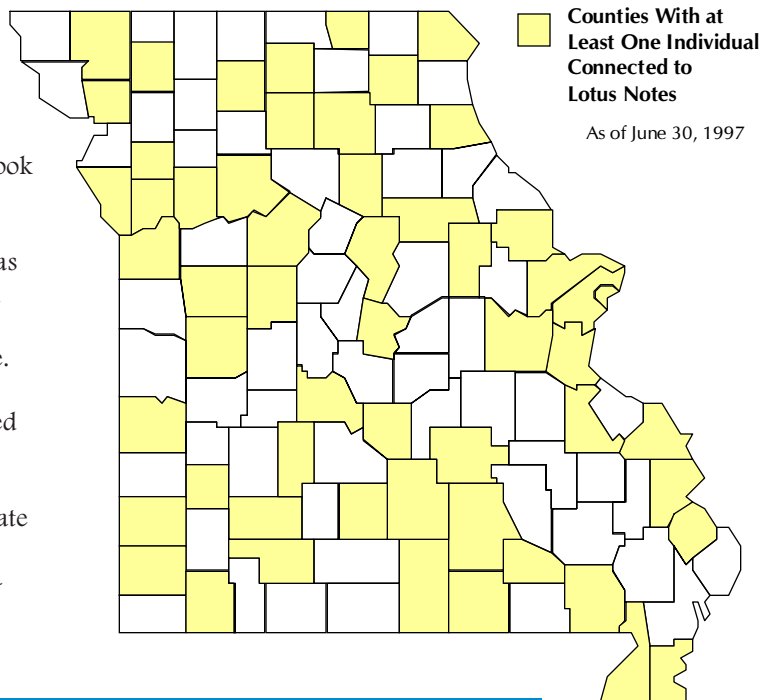


## Electronic Courts/2004

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### Presiding Judges' Notes Rollout

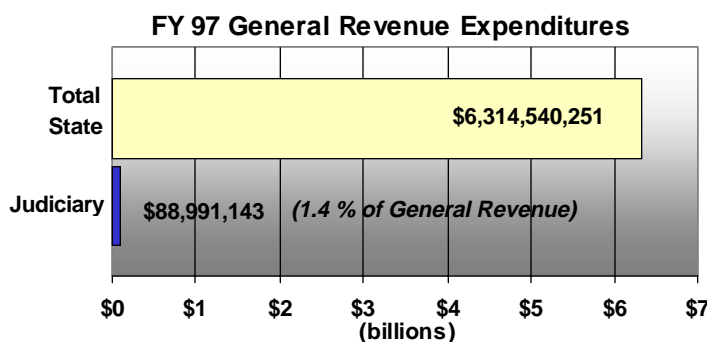
At the request of Chief Justice Holstein, the project undertook a rapid rollout of Lotus Notes to bring all 45 circuits, the appellate districts and the Supreme Court into the Statewide Judicial Information Network. The presiding judge rollout was completed on June 20th. This was a large effort completed in less than six weeks. Over 62 new Notes user IDs were issued and 31 PCs were installed at over 22 locations across the state. Information Technology Division staff installed hardware, software, and performed 'startup' training. This effort required staff to travel to every corner of the state and more than 30 travel days. As a result of this project, it is possible for the dissemination of information, via Notes, to all courts in the state using the presiding judges' offices as the communication contacts. It also provides Internet mail connectivity and communications with the Office of State Courts Administrator.



## Regarding Money

### Funding of the Judiciary

The State of Missouri disbursed approximately \$89 million from general revenue funds in FY 1997 to operate the judiciary. Personnel costs constitute 95 percent of the judicial budget.

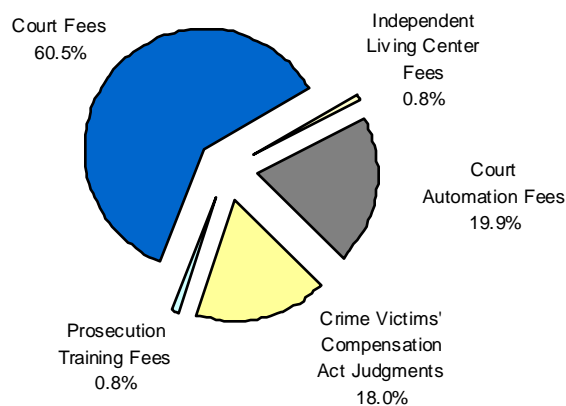


In addition to the budget for the judiciary, the Office of Administration reimburses counties for a portion of the juvenile court salaries and residential services, totalling \$5.68 million.

Approximately half of the fiscal responsibility for circuit courts remains with local governments. According to the Judicial Finance Commission Report, calendar year 1996 local government expenses for circuit and associate divisions were \$29.9 million, for supplies, operating expenses, personnel services and equipment. The Report also lists local expenditures of \$53.5 million for personnel and operating expenses of juvenile court services, an increase of \$3.7 million over last calendar year.

### Collections by the Judiciary

The judiciary remitted over \$21.1 million to the Missouri Department of Revenue in FY 1997. This includes court fees (\$12.8 million), Crime Victims' Compensation Act judgments (\$3.8 million), the court automation fee (\$4.2 million), prosecution training fees (\$161,000), and Independent Living Center fees (\$170,204).



Approximately 63,445 Crime Victims' Compensation Act judgments were assessed in FY 1997.

The costs remitted to the Department of Revenue are approximately 9% of the total fees, fines, costs, and judgments processed by the courts. In 1996, the courts reported receipting \$233.2 million, not including child support collections.

The courts processed approximately 2.4 million child support payments in FY 1997 and collected in excess of \$395.9 million. The number of payments is up 9 percent (about 198,000 payments) compared to last year.

## Time Standards

Fiscal year 1997 was the first year that Missouri implemented revisions to Administrative Rule 17, "Case Processing Time Standards." The changes, effective January 1, 1997, were intended to simplify the Rule and make the standards more reasonable, based on feedback from public hearings as well as performance by circuits during previous years.

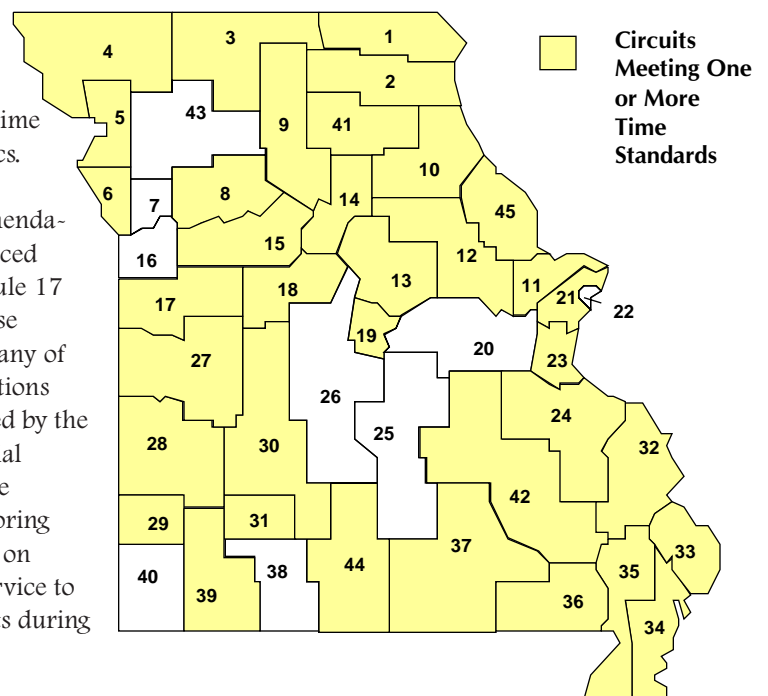
As can be seen in the accompanying table, 36 of the 45 circuits were able to achieve one or more of the time standards during fiscal year 1997. Six of the nine circuits not achieving at least one standard are within two percentage points of achieving one or more of the standards.

Additional progress can be seen by looking at the average age of case at disposition. The average age at disposition of circuit civil cases decreased by 123 days from FY 1994 (the first year time standards were implemented) to FY 1997, while the average age of domestic relations cases decreased by 61 days. The average age of circuit felony cases is 140 days compared to the 90% standard of 240 days. The average age at disposition for associate civil cases is 99 days, which is well below the 90% standard, and the average age at disposition for associate criminal cases is 104 days, which is also below the 90% standard. FY 1994 average age at disposition is not provided for the associate civil and criminal categories because the categories were created as a result of the revised rule effective January 1, 1997.

In addition to implementing revisions to Administrative Rule 17, the Time Standards Monitoring Committee offered a new service during FY 1997 to promote effective caseload management. The Committee created a task force consisting of four judges to review current case management procedures and make recommendations to improve procedures for those counties requesting a review. The Nineteenth Judicial Circuit was the first circuit to request the review, and served as a pilot site. The review involved a site visit from members of the task force

Case Processing Time Standards Age Of Case At Disposition FY 1997			
Time Standard Category	Standard for Age of Case at Disposition in the State	Actual Performance Statewide	Circuits Meeting Standard in FY 1997
<b>Circuit Civil</b>			
in 18 months	90%	78%	Circuits 14,19,36
in 24 months	98%	86%	Circuits 9, 14
<b>Domestic Relations</b>			
in 8 months	90%	82%	Circuits 13, 14, 19, 21
in 12 months	98%	89%	
<b>Circuit Felony</b>			
in 8 months	90%	85%	Circuits 3, 4, 5, 8, 9, 10, 13, 15, 18, 19, 27, 28, 29, 30, 32, 34, 35, 36, 41, 45
in 12 months	98%	93%	Circuits 5, 8, 9, 13, 18, 27, 30, 32, 36
<b>Associate Civil</b>			
in 6 months	90%	86%	Circuits 1, 2, 3, 6, 8, 9, 12, 13, 14, 15, 17, 18, 23, 24, 27, 28, 31, 33, 34, 35, 36, 39, 41, 42, 44, 45
in 12 months	98%	95%	Circuits 1, 2, 6, 8, 9, 11, 13, 14, 17, 21, 23, 24, 32, 33, 36, 37, 39, 41, 42, 44
<b>Associate Criminal</b>			
in 4 months	90%	79%	Circuits 2, 4, 10, 15, 18, 32, 35
in 6 months	98%	89%	Circuit 2

as well as a reconciliation of case records to ensure accurate time standards statistics. The final report included recommendations that referenced Administrative Rule 17 for improving case management. Many of the recommendations were implemented by the Nineteenth Judicial Circuit. The Time Standards Monitoring Committee plans on providing this service to additional circuits during the next year.





## New Division - Juvenile and Family Court Programs

Shortly after the 1994 legislative session ended, a House Interim Committee was appointed to examine issues of juvenile crime, youth violence prevention, and juvenile court administration. The Missouri Juvenile Justice Association (MJJA) was requested to aid the committee by assembling three separate advisory committees, each assigned to address and submit a final report on one of the assigned issues. The Interim Committee held hearings throughout the state which culminated at the October 1994 MJJA fall conference with further testimony and submission of final reports.

The result of this effort was the legislature's approval of House Bill 174, also known as the Juvenile Crime Bill. By passing this, the legislature expressed a substantial interest in improving many facets of the Missouri Juvenile Justice System. Each year, 70,000 plus juveniles are referred to a system deficient in ongoing personnel training, offender assessment and classification tools, and reliable centralized information sources. House Bill 174 included mandates to the Office of State Courts Administrator (OSCA) to make improvements in the juvenile justice scheme which include the following:

- ♦ develop standards for orientation for all new juvenile court employees;

- ♦ develop standards for continuing education for existing juvenile court personnel;
- ♦ develop a standardized assessment for classifying juvenile offenders;
- ♦ develop a process to evaluate services and collect relevant outcome data and information (Juvenile Court/Family Court should provide to OSCA outcome data for youth receiving both formal and informal services, on forms prepared by OSCA);
- ♦ develop guidelines for juvenile court judges to use in determining the length of time a child may be detained prior to an informal adjustment or formal adjudication; and
- ♦ evaluate existing services by establishing performance standards, including performance standards for courts receiving diversion funds.

Recognizing that the achievement of any one of these mandates will require a comprehensive effort, the 89th General Assembly approved the creation of a separate division of juvenile and adult court programs within OSCA, effective July 1, 1997.

During FY 97, several projects were begun.

The Juvenile Offender Classification Instruments have been developed, and five circuits have been requested to pilot

the instrument for the purposes of a validation study and analysis before introduction of these tools is offered statewide. The juvenile and family court information system is being developed by a committee of family courts/juvenile court administrators and juvenile officers. The charge to this committee is to develop the functional requirements/data elements for a comprehensive information system.

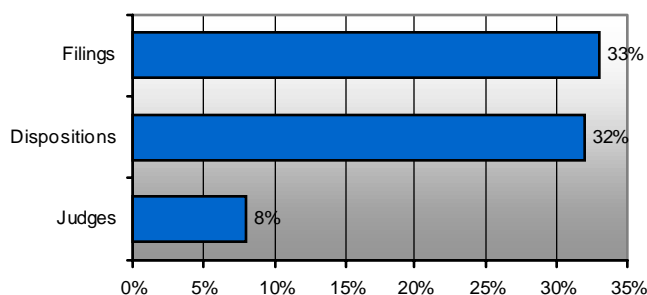
During FY 97, staff continued to administer mediation grants to courts through a cooperative agreement with the Division of Child Support Enforcement (DCSE). Funds are targeted at providing direct mediation services in issues of child custody and visitation. Parent education is also an important component of the mediation process. Parents who recognize the ill-effects divorce can have on their children can easily grasp the benefit of an agreement as to custody and visitation. Interest in mediation and parent education projects continues to grow.

Alcohol and drug abuse program activities, such as juvenile and adult drug court development and planning, as well as other activities that involve alcohol-related traffic offenses and dispositions, were moved from Court Services to the new division.

### Circuit and Associate Circuit Caseload Statistics

- ➡ Filings and Dispositions include: General Civil, Domestic Relations, Chapter 517, Small Claims, Felony, Felony Preliminary, Misdemeanor, Juvenile, and Probate Figures.
- ➡ Total Judges include Circuit and Associate Circuit Judges as well as Commissioners.

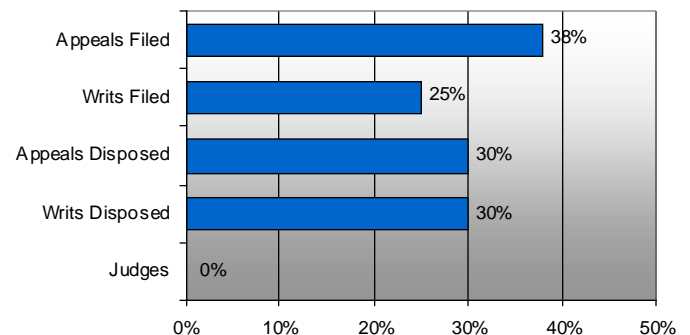
**Increases Since FY 1987**



### Court of Appeals Statistics

- ➡ Appeals and Writs Filed and Disposed include all three appellate court districts.

**Increases Since FY 1987**



# Centralized Fine Collection

In August 1996, the Supreme Court appointed a Centralized Fine Collection Bureau Committee which began development of uniform fine schedules for the less serious, high-volume traffic, watercraft and conservation offenses. Judges, prosecutors, and members of law enforcement provided input into the development.

The Committee, comprised of seven associate circuit judges, is also working to establish a central violations bureau. Persons charged with violations contained on the uniform fine schedule may have the option to pay their fines and court costs to the central bureau and avoid a court appearance. The goal is to have these violations processed using "modern technology and banking services to: speed the receipt and transfer of funds to the state, counties and schools; provide improved accountability for receipts; and,

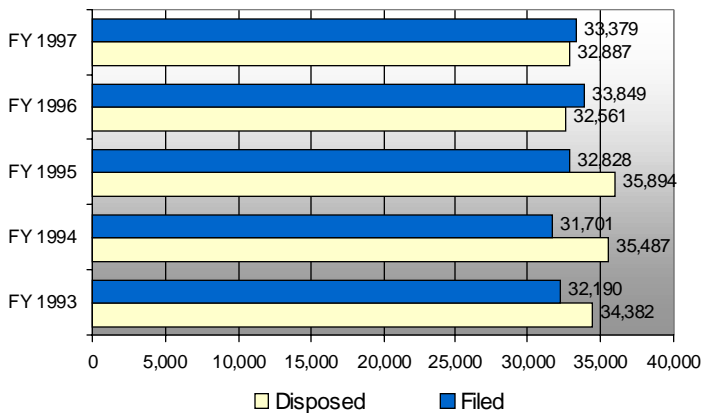
over time, make for a more efficient use of circuit court personnel."

Both the development of the fine schedule and establishment of a central violations bureau were authorized under Section 476.385, RSMo, which also provides that associate circuit judges in each county may voluntarily adopt the fine schedule and participate in a central violations bureau. Judges are being encouraged to consider the benefits of adoption and bureau participation for their counties.

## Civil Caseload Statistics (By Fiscal Year)

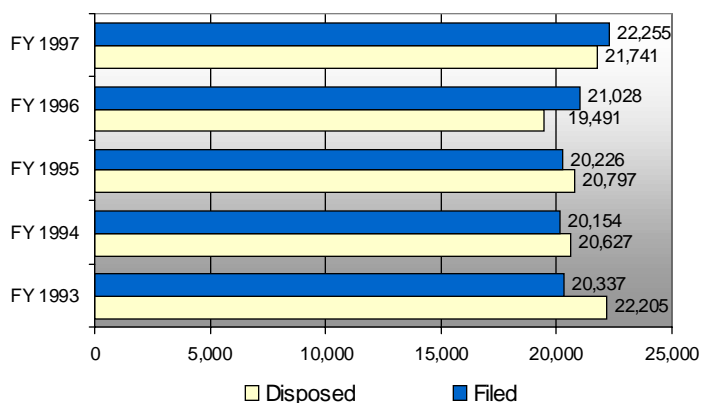
### General Civil

- General civil case filings decreased 1.4% from FY 1996 while case dispositions increased slightly.
- The decrease in case filings is the first decrease since FY 1994.
- During FY 1997, roughly 1 out of every 5 general civil cases resulted in a trial.



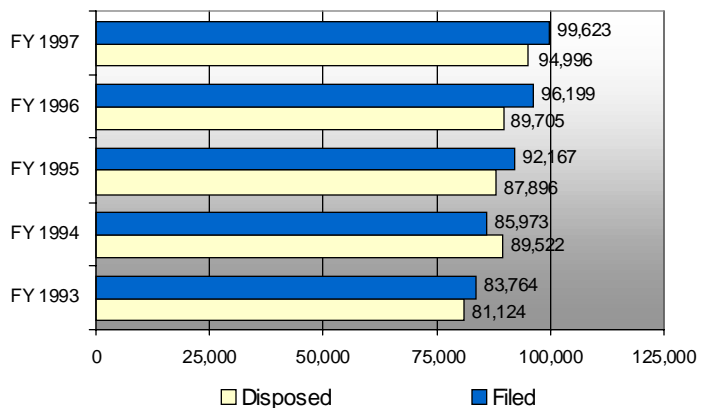
### Small Claims

- Small claims filings reached the highest level since FY 1992. Filings increased by 1,227 cases (5.8%) from FY 1996 while dispositions increased by 2,250 cases (11.5%).
- Approximately one-third of small claims cases resulted in a trial during FY 1997, while 37% were dismissed.



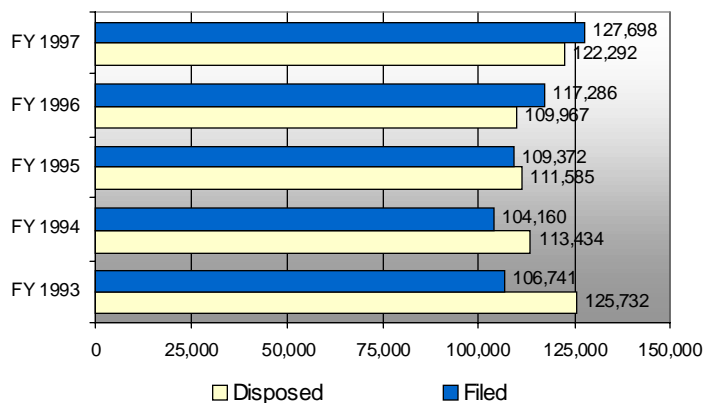
### Domestic Relations

- Domestic relations case filings surpassed the record number of filings set last fiscal year. Case filings increased by 3,424 cases (3.6%) from FY 1996.
- Dispositions also increased approximately 6% from the record number reached during FY 1996.
- Approximately three-quarters of domestic relations cases during FY 1997 were uncontested or dismissed.



### Chapter 517

- Chapter 517 case filings as well as dispositions increased from FY 1996. Case filings increased by 8.9 % while dispositions increased by 11.2 %.
- Chapter 517 case filings are at the highest level in at least the past 17 fiscal years.
- Approximately 1 out of every 10 Chapter 517 cases went to trial in FY 1997.



## Alcohol and Drug Abuse Programs

The Office of State Courts Administrator (OSCA) continued alcohol and drug abuse program activities during fiscal year 1997. OSCA received a drug court planning grant in May through the Department of Justice, Drug Court Programs Office. The purpose of the grant is to develop a statewide resource

manual to assist courts, using a step-by-step method, in the development of drug courts. Scott County and St. Louis City began operating drug courts in April and Lafayette County had its first drug court graduation in May (they have been in operation for one year). Boone County and St. Louis County are in the developmental stages of planning for drug courts.

Between February and April, OSCA coordinated six regional seminars entitled "DWI - What's It All About?" The

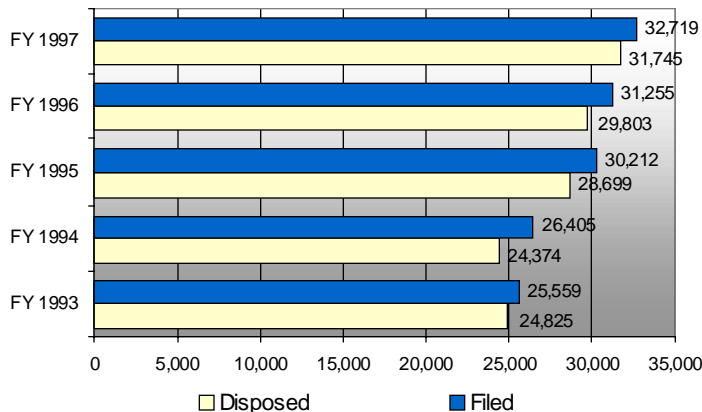
programs, funded by the Division of Highway Safety, were presented to over 400 judges, court clerks, prosecutors and public defenders.

Sessions on DWI sentencing, the Substance Abuse Traffic Offender Programs (SATOP), reporting alcohol-related traffic case dispositions to the Highway Patrol, and alternative sentencing options were presented at municipal clerk training and judge association conferences throughout the fiscal year.

## Criminal Caseload Statistics (By Fiscal Year)

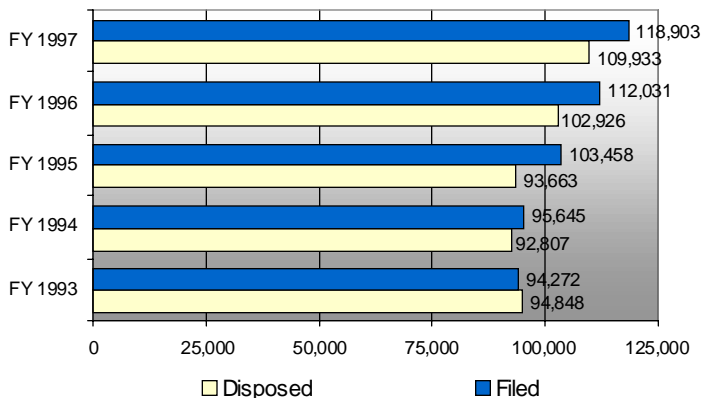
### Felony

- Felony filings and dispositions surpassed the previous record number filed and disposed in FY 1996 with increases of 4.7% and 6.5% respectively.
- The disposition to filing ratio of .97 in FY 1997 is the largest since FY 1993.
- Approximately 80% of felony cases were disposed by a guilty plea in FY 1997.



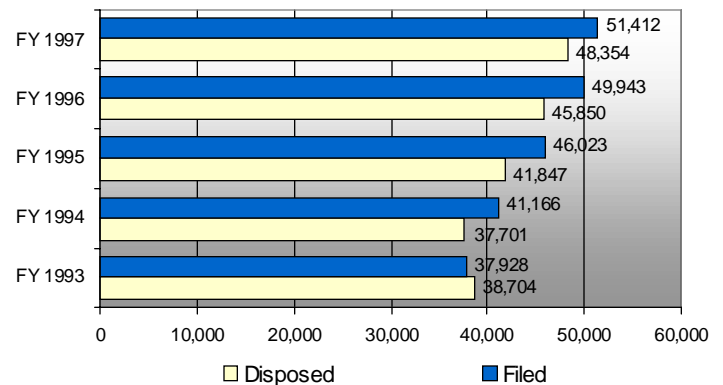
### Misdemeanor/Municipal Certification

- Misdemeanor/municipal certification case filings as well as dispositions increased by approximately 6.1% and 6.8% respectively.
- Compared to FY 1993, misdemeanor/municipal certification case filings increased by approximately 26.1% while dispositions increased by approximately 16%.
- Approximately two-thirds of misdemeanor/municipal certification cases resulted in a guilty plea during FY 1997.



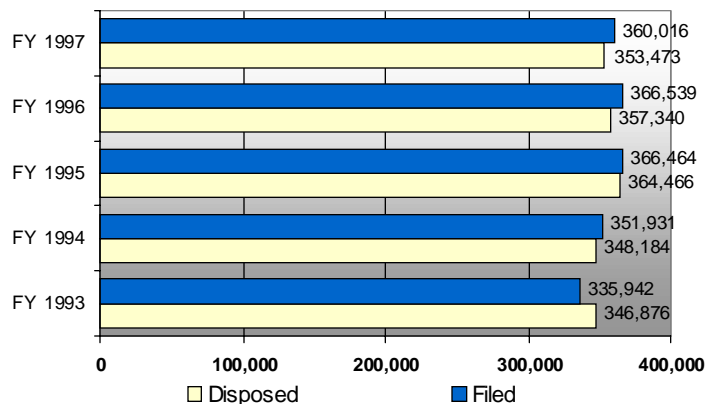
### Felony Preliminary

- Felony preliminary case filings increased for the fourth consecutive year, bypassing the record number filed last year by approximately 3%. Dispositions increased for the third consecutive year, and also increased over the record number disposed last year by 5.5%.
- Approximately 24% of felony preliminary cases bound over had a preliminary hearing.
- Almost one-third of all felony preliminary cases disposed during FY 1997 were dismissed.



### State Traffic

- Traffic case filings as well as dispositions decreased from FY 1996. Case filings decreased by approximately 1.8% from FY 1996 while dispositions decreased by 1.0%.
- The decrease in traffic case filings is the first decrease in 4 years.
- The average number of traffic case filings during the past five years was 356,178, while dispositions averaged 354,068.



## Education and Training

During the past twelve months, Missouri's continuing education program for judicial personnel has evolved to become a comprehensive and coordinated education program that provides a continuum of educational activities for court personnel. The program strives to enhance the knowledge and skills of more than 300 state trial judges, almost 2,000 court clerks, over 1,200 juvenile and deputy juvenile officers and support staff, as well as almost 400 municipal court judges. The following is a summary of education and training activities for FY97.

### Judge Education

Thirteen judges attended the Judicial Orientation Conference in February 1997. All judges who have been on the bench one year or less are invited to participate. The program affords judges an opportunity to study trial management, court administration, professionalism, and family court matters. In FY97, 328 judges attended the annual Judicial College, which was expanded to include "mini-seminars" such as judicial fact-finding and decision-making. In addition, 40 judges attended a day-long

program on the new Uniform Interstate Family Support Act, and 38 judges attended seven word processing courses.

### Clerk Training Academy

Great strides were made during the first year of the Academy. Two professional staff were hired and, with the guidance and support of a twelve-member clerk advisory committee, they designed specialized training for St. Louis City and surrounding circuits, coordinated four regional "court professionalism" seminars, developed a three-day orientation program for new clerks, began a multi-year process of long-range curriculum development that will provide the underpinnings of a comprehensive and coordinated continuing professional education program, began development of a supervisor/management training track of programs for court personnel with supervisory responsibilities, and began development of a series of customer relations seminars that will be offered regionally throughout the state.

### Juvenile and Deputy Juvenile Officers & Support Staff.

An education programs specialist responsible for developing a continuing

education program for juvenile court personnel was hired and has begun the process of researching and designing a comprehensive and coordinated education program for juvenile court personnel.

### Municipal Judge Education

Five regional one-day training seminars were held in fall 1996; a total of 162 municipal judges attended. Four judges attended the new-judge certification course. An editorial board was established for the purpose of updating the Municipal Bench Book. The project is currently underway.

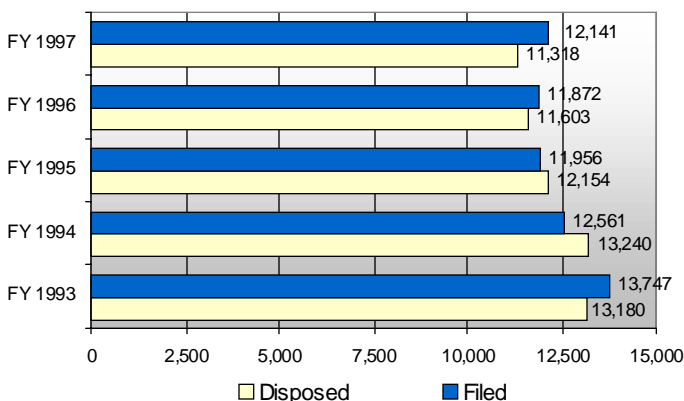
### Miscellaneous

A generous grant from the Missouri Bar Foundation was used to produce a thirty-minute orientation video and companion handbook, both of which provide an overview of the structure and function of the Missouri court system. All circuits were furnished at least one copy of the videotape and handbook. The revision process for the Bench Book for Trial Judges continued; judges received new and updated chapters in early 1997.

## Probate Statistics and Juvenile (By Fiscal Year)

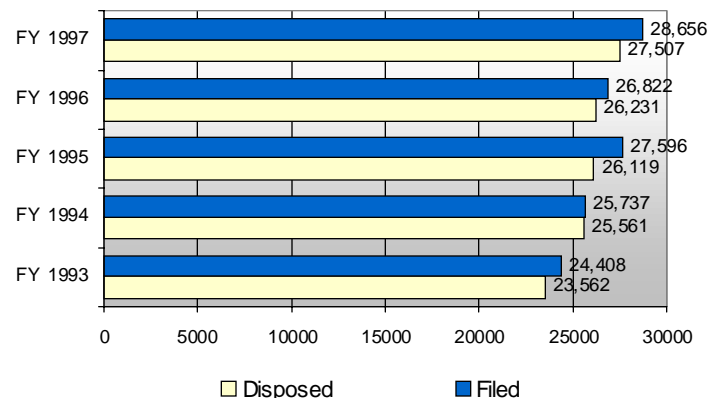
### Probate

- Probate case filings reached the highest level since FY 1994. However, filings are down approximately 13% from FY 1993.
- Case dispositions continued a decreasing trend since FY 1995. The number of dispositions decreased by 2.5% from FY 1996.
- The probate figures include decedents' estates, incapacitated/disabled estates, minors' estates and mental health petitions.



### Juvenile

- Juvenile case filings as well as dispositions increased substantially during FY 1997. Case filings increased by 6.8% from FY 1996, and surpassed the record high previously set in FY 1995. Case dispositions increased by 4.9% from FY 1996 and set a record high for the second year in a row.
- Although a record number of cases were filed in FY 1997, dispositions also surpassed the previous record resulting in a disposition to filing ratio of .96 (96 out of every 100 cases filed were disposed) in FY 1997.
- During FY 1997, 50 % of juvenile matters were disposed by uncontested hearings and 20% were disposed by contested hearings.





## Certified Public Accountants

In 1996, the Circuit Court Budget Committee authorized funding for four Accounting Specialist positions (CPAs) to be based in the State Courts Administrator's Office (OSCA). The CPA positions were intended to help improve the courts' financial accounting and introduce loss prevention procedures in the courts.

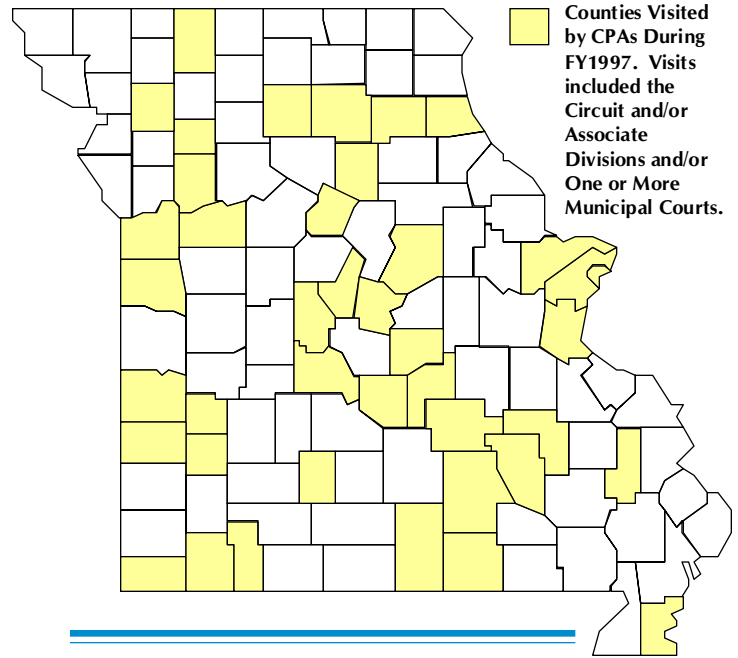
The CPAs have spent a total of 267 days in the courts performing 152 visits during fiscal year 1997. The visits included 46 circuit and associate circuit court offices in 37 counties and 37 municipal courts. Time spent at OSCA is used to perform financial reconciliations for the courts or to review the court's accounting records to investigate discrepancies. This work is typically performed at OSCA because it allows the court to continue processing their daily work on their local systems without interruption.

Court visits are usually initiated from a request by a judge or clerk. Examples of the work performed during the visits include:

- ♦ investigate reasons for deposit differences;
- ♦ reconcile open items lists;
- ♦ prepare bank reconciliations;
- ♦ address/correct specific state auditor's report findings;
- ♦ provide assistance after a theft; i.e., review of procedures, training, etc.;
- ♦ review accounting procedures and controls in general;
- ♦ conduct on-site training on accounting procedures;
- ♦ work with managers/supervisors/judges to ensure proper controls are in place.

Additional responsibilities when time permits:

- ♦ develop financial accounting sections for the Missouri Court Clerk Handbook;
- ♦ serve as training faculty at court staff education programming;
- ♦ serve as "help desk" staff; and
- ♦ consult on the development of financial controls in the case management software of the EC/2004 Project.



## Court Consolidation

Appointing authorities in seven counties signed consolidation agreements in FY 1997, and the clerical functions in three of these counties were actually consolidated. The seven include Sullivan, Texas, Camden, Laclede, Miller, Vernon and McDonald Counties. Texas, Vernon and McDonald Counties consolidated December 31, January 1, and April 1, respectively, bringing to eight the number of offices that were consolidated by the end of the fiscal year. (Six additional counties and the City of St. Louis have centralized offices--some employees continue to be appointed by individual judges.) Sullivan County will consolidate in July 1997; court offices in Camden, Laclede, and Miller Counties are expected to consolidate following construction of new court facilities.

Consolidation involves the pooling under a single appointing authority, usually the circuit clerk, of all non-statutory state-paid positions assigned to the county and funded pursuant to 483.245, RSMo. Financial grants and temporary employment assistance are available to consolidating offices. Interested parties are encouraged to contact the State Courts Administrator's Office for additional information.

## Court of Appeals and Supreme Court Statistics

COURT OF APPEALS, FY 1997							SUPREME COURT FY 1997			
	Appeals		Writs		Motions		Opinions Handed Down			
	Filed	Disposed	Filed	Disposed	Filed	Disposed		Case Type	Filed	Disposed
Western District	1,336	1,376	231	241	4,632	4,635	700	Appeals	71	71
Eastern District	1,653	1,885	272	284	7,859	7,608	1,382	Writs	322	302
Southern District	604	651	72	78	1,957	1,963	497	Applications for Transfer	435	363
								Supervisory Matters	38	32
								Motions to Open New Case Files	39	9
TOTAL	3,593	3,912	575	603	14,448	14,206	2,579	TOTAL	905	777

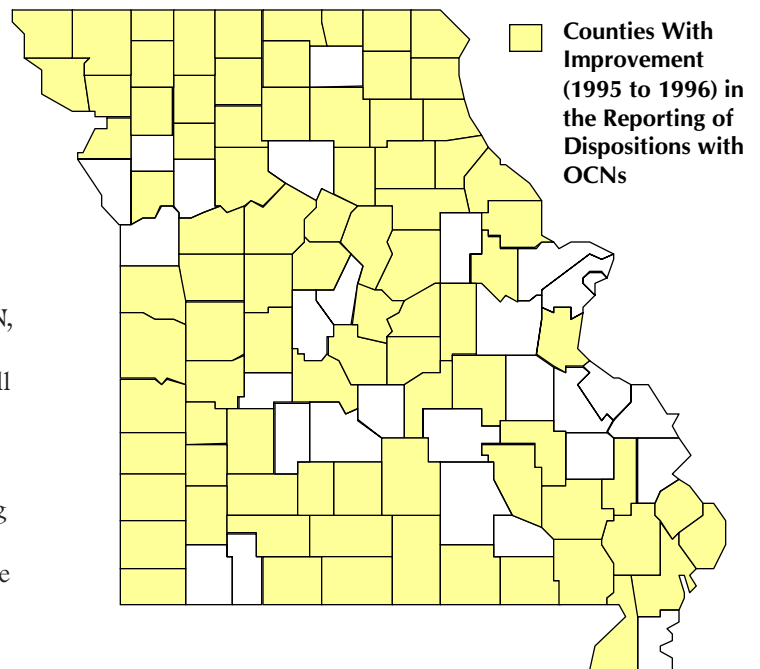
## Criminal History Improvement

The criminal history improvement project is an initiative to improve the completeness and accuracy of records in the Missouri Criminal Records Repository (MCRR). This project, an ambitious endeavor to locate and report missing dispositions to arrests recorded in the MCRR and assist criminal justice agencies improve reporting procedures, is conducted in association with the Missouri State Highway Patrol and the Missouri Office of Prosecution Services. Funding is provided by the National Criminal History Improvement Program, implementing provisions of the Brady Handgun Violence Prevention Act, the National Child Protection Act of 1993, the Omnibus Crime Control and Safe Streets Act of 1968, and the Violent Crime Control and Law Enforcement Act of 1994.

This fiscal year, the criminal history team worked diligently with judicial, prosecuting, and law enforcement personnel to facilitate training and eliminate the disposition backlog. This effort resulted in a 7% increase in court dispositions reported with offense cycle numbers (OCNs), a 9% increase in the number of arrests reported by law enforcement agencies, and a 43% increase in the OCN reporting from prosecutors. The OCN, the key to criminal history reporting, allows the MCRR to associate reports from different agencies with a single arrest. All reports to the MCRR must have an OCN.

As part of the team's training for judicial personnel, six articles were published in the Missouri Court Personnel Newsletter. The staff also prepared agency criminal history reporting instructions and guidelines that are available for distribution to justice agencies and are used in the team's training sessions. The team improved reporting procedures in two publications - the Court Clerk Handbook and the Benchbook for Missouri Trial Judges.

In the counties where the team has completed their research, the reporting of dispositions with OCNs has increased an average of 20%. This year, the criminal history team completed or initiated research in five counties (Cooper, Cole, Pettis, Randolph, and St. Charles). The research involved a detailed review of files at a county's court, prosecuting attorney office, and law enforcement agencies. Analysis of 26,420 arrest records and 65,080 court cases resulted in OCNs added to over 17,580 court case counts. The team also reported the final dispositions for 7,490 arrests that were disposed at locations other than the state courts.

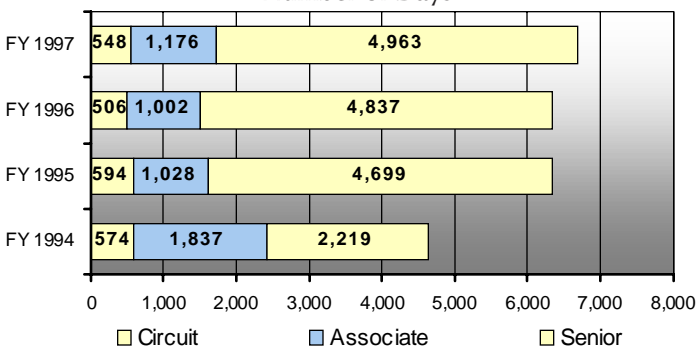


## Judicial Transfers

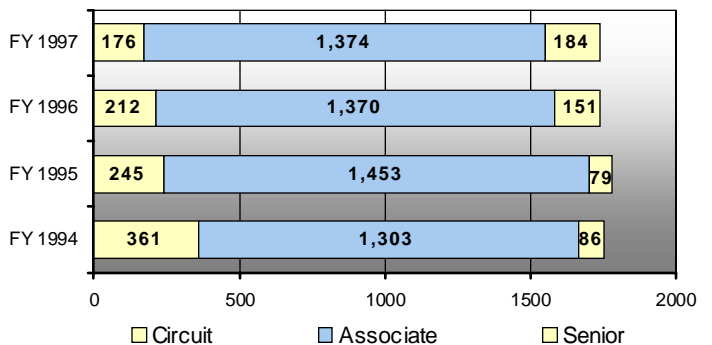
- ➔ The number of judicial transfers for periods of time increased by 5.4 percent from FY 1996 to FY 1997. A majority of the increase was due to associate and senior judge days which increased by approximately 17.4 and 2.6 percent respectively.
- ➔ Transfers for specific cases, unlike transfers for specific periods of time, were stagnant from FY 1996 to FY 1997. The total number of cases increased by only one day. However, the total number of cases heard by senior judges increased by 33 cases (22 percent).

<i>SENIOR JUDGE COMPOSITION</i>		
Type	Number	Percentage
Retired Supreme Court Judges	3	5.3%
Retired Appellate Judges	7	12.3%
Retired Circuit Judges	27	47.4%
Retired Associate Circuit Judges	20	35.0%

**Transfers for Periods of Time**  
Number of Days



**Transfers for Specific Cases**  
Number of Cases



## Missouri Sentencing Advisory Commission

The Missouri Sentencing Advisory Commission is charged with establishing a system of recommended sentences for felony offenses that reflect several factors. These factors include the nature and severity of the crime, prior criminal history, and resources of the Department of Corrections. Under the current statute, the guidelines are advisory, not mandatory in nature. The commission is also charged with monitoring the use of the guidelines and reporting back to the Governor and the Missouri General Assembly by July 1, 1998.

The Commission has drafted its guidelines, choosing a grid format that lists specific crimes on the vertical axis and prior criminal history levels on the horizontal axis. Dangerous felonies, crimes triggering predatory sex offender status, and other offenses that merit individual consideration are listed within each classification level. All other crimes not listed are combined into an "all other" category for each classification level, A through D felonies. Felony drug offenses

are listed on a separate grid by classification level, A through D. The grids contain four levels of prior criminal history based upon a combination of prior findings of guilt and prior terms of incarceration. It was also decided that each cell on the grid would contain an aggravated, a presumptive and a mitigated range. Each cell will indicate if any alternative programs might be appropriate and the Commission encourages their use as alternative sanctions.

The Commission, in cooperation with the Office of the State Courts Administrator, held a series of training programs regarding the use of the advisory guidelines in eight locations throughout the state during late January and February. The training was made available to judges, prosecutors, public defenders and private defense attorneys. The Commission also participated in the Judicial College in August, 1996. The Commission has also begun monitoring the use of the guidelines by sentencing judges. Sentencing judges around the state have volunteered to complete a worksheet with each felony sentencing. The information provided by these sentencing judges is being compiled and analyzed by the Commission.

<b>SENTENCING ADVISORY COMMISSION MEMBERS</b>	
<b>Joe Moseley, Chair</b>	Private Member of Missouri Bar
<b>Dora B. Schriro, Ed.D., Vice-Chair</b>	Director of Missouri Department of Corrections
<b>Scott Decker, Ph.D.</b>	Department of Criminology and Criminal Justice, UMSL
<b>James Eiffert</b>	Presiding Circuit Judge, 38th Circuit
<b>Bill Gratz</b>	Missouri State Representative, 113th District
<b>James Hartenbach</b>	Circuit Judge, 21st Circuit
<b>Gail Hughes</b>	Private Citizen Member
<b>Dee Joyce-Hayes</b>	Circuit Attorney, City of St. Louis
<b>Cranston Mitchell</b>	Chairman, Missouri Board of Probation and Parole
<b>Larry Rohrbach</b>	Missouri State Senator, 6th District
<b>Edward Rucker</b>	Member of the Missouri Public Defender Commission



Missouri Supreme Court En Banc, Left to Right: Ronnie L. White, Edward D. Robertson, Jr., William Ray Price, Jr., Chief Justice Duane Benton, Stephen N. Limbaugh, Jr., Ann K. Covington, John C. Holstein

## Benchmarks

The Court Welcomes...

Former Judge	Replaced by:
<b>Appellate Court</b>	
Gary A. Fenner	Victor C. Howard
<b>Circuit Court</b> (circuit)	
7 Victor C. Howard (circuit)	Michael J. Maloney
7 Michael J. Maloney (associate)	K. Elizabeth Davis
9 Robert G. Smith (associate)	James P. Williams
10 John D. Ogle (associate)	John J. Jackson
16 Gene R. Martin (associate)	Charles E. Atwell
21 Ellis Gregory, Jr. (associate)	Michael T. Jamison
31 Bob J. Keeter (associate)	Max E. Bacon



The *Missouri Judicial Report* is prepared by:  
Office of State Courts Administrator  
P.O. Box 104480  
Jefferson City, MO 65110  
Phone: 573/751-3585 Fax: 573/751-5540

*Caseload statistics for the Supreme Court, Court of Appeals and Circuit Court, including information by county and judicial circuit, are published separately in "The Missouri Judicial Report Supplement", which is available upon request from the Office of State Courts Administrator (OSCA). Also available from OSCA is the "Summary of Selected Bills Truly Agreed to and Finally Passed by the 89th General Assembly", First Regular Session.*

## MISSOURI JUDICIAL DEPARTMENT

### ORGANIZATION SUMMARY

#### Supreme Court

7 Judges, 12-Year terms  
Chief Justice elected by judges of the Supreme Court for 2-year terms  
Non-Partisan Court Plan

#### JURISDICTION:

- Validity of U.S. treaty or statute, Missouri statute or constitution, revenue laws, title to state office, cases where there is a death sentence. (*Exclusive jurisdiction*)
- Cases transferred from Court of Appeals

#### Court of Appeals

12-Year terms  
Western District – 11 Judges  
Eastern District – 14 Judges  
Southern District - 7 Judges  
Non-Partisan Court Plan

#### JURISDICTION:

- All appeals not within Supreme Court's exclusive jurisdiction
- Remedial writs

#### Circuit Court

45 circuits with courts in each county  
134 Circuit Judges, 6-year terms  
175 Associate Circuit Judges, 4-year terms  
361 Municipal Judges, terms designated by municipality  
15 Family Court Commissioners  
1 Family Court Referee, 1 Family Court Hearing Officer, 1 Drug Commissioner  
4 Probate and 3 Deputy Probate Commissioners  
Non-Partisan Court Plan - St. Louis City; St. Louis County; Jackson, Platte, & Clay Counties  
Partisan elections - rest of state

#### Six Divisions of the Circuit Court and Their Jurisdiction

<b>Circuit Division</b> <ul style="list-style-type: none"> <li>• Civil Actions over \$25,000</li> <li>• Domestic Relations</li> <li>• Felonies &amp; Misdemeanors</li> <li>• Trials de Novo</li> </ul>	<b>Associate Division</b> <ul style="list-style-type: none"> <li>• Civil Actions under \$25,000</li> <li>• Small Claims</li> <li>• Felonies prior to filing of the information</li> <li>• Traffic &amp; Municipal Ordinance</li> <li>• May handle all Circuit Division cases on assignment</li> </ul>
<b>Probate Division</b> <ul style="list-style-type: none"> <li>• Guardianships</li> <li>• Conservatorships</li> <li>• Decedents' estates</li> <li>• Mental Health proceedings</li> </ul>	<b>Municipal Division</b> <ul style="list-style-type: none"> <li>• Municipal traffic violations and ordinance violations</li> </ul>
<b>Juvenile Division</b> <ul style="list-style-type: none"> <li>• Violations of law and status offenses</li> <li>• Certifications for prosecution as an adult</li> <li>• Child Abuse/Neglect</li> <li>• Termination of Parental Rights</li> <li>• Adoptions</li> </ul>	<b>Family Court Division</b> <ul style="list-style-type: none"> <li>• Domestic Relations</li> <li>• Adoptions</li> <li>• Juvenile</li> <li>• Child Support</li> <li>• Paternity</li> <li>• Adult Abuse/Child Protection</li> <li>• Change of Name</li> <li>• Marriage License Waiting Period Waivers</li> <li>• As of the date of this publication, eight judicial circuits established Family Court Divisions</li> </ul>