

1 SUPREME COURT WORKING GROUP ON MUNICIPAL COURTS

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3 RECORD OF PROCEEDINGS

4

5 NOVEMBER 12, 2015

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10 PUBLIC HEARING

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13 MISSOURI COURT OF APPEALS

14 One Post Office Square

15 St. Louis, MO 63101

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22 Reported by: Pamela K. Needham, RPR, CCR, CSR-IL

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1 APPEARANCES:

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MEMBERS OF THE COMMISSION:

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Honorable Booker T. Shaw, Chair

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Professor Kimberly Norwood

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Kathryn Banks

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Honorable Karl DeMarce

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Honorable Todd Thornhill

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1 P R O C E E D I N G S

2 (On the record at 6:04 p.m.)

3 HONORABLE BOOKER SHAW: Well, good
4 evening, and welcome to all of you, thank you for
5 appearing for our hearing on behalf of the Supreme
6 Court of Missouri, for the Supreme Court Working
7 Group on Municipal Courts. I want to first thank
8 the Missouri Court of Appeals Eastern District for
9 allowing us to use these beautiful courtroom and
10 chambers to have the public hearing here with you.
11 And of course, it's very important that you enable
12 us by your appearance and testimony here today to
13 fulfill the charge of the Supreme Court that we
14 consult the interested groups and hold one or more
15 public hearings to ensure public input.

16 Let me begin by introducing our Working
17 Group members who are with us this evening, and to
18 my far left, your far right, we have Professor
19 Kimberly Norwood, Professor of Law in African
20 American Studies, Washington University in St.
21 Louis. Seated next to her is Kathryn Banks, Legal
22 Services Director, Voices For Children. We next
23 have the Honorable Karl DeMarce, he's an Associate
24 Circuit Judge in Scotland County, and Municipal
25 Judge, Memphis, Missouri. Seated next to me is the

1 Honorable Todd Thornhill, Chief Judge in
2 Springfield, Missouri, Municipal Courts, and I am
3 Booker Shaw, former Circuit Judge, former Chief
4 Judge of this court, and a partner now at the
5 Thompson Coburn law firm.

6 It has been the charge of the Missouri
7 Supreme Court to us for us to review all matters
8 relevant to the practice in municipal divisions
9 throughout the state, ensuring public input, and
10 recommending appropriate improvements to the system.
11 And our focus, as well as all of those things that
12 are relevant to the function of municipal courts are
13 in four areas. And our focus this evening with you
14 will be, number one, the propriety of judges,
15 prosecutors and staff serving in different
16 capacities in multiple municipal divisions; number
17 two, the consolidation of municipal divisions,
18 including the authority of the Court to mandate
19 consolidation; number three, use of warrants,
20 process for setting bonds at time of incarceration;
21 and four, enforceability of judgments and remedies
22 for nonpayment.

23 In our charge to us, Chief Justice Mary
24 Rose Russell said she wanted specific solutions for
25 improving our municipal courts in the hope that, in

1 time, our municipal courts would become a model for
2 the nation. So our procedure for the evening will
3 be as follows: We will allow five minutes for each
4 of the speakers. The podium here has a black timer
5 on it that will turn to yellow when you have one
6 minute remaining, and turn to red when your five
7 minutes are done. And the marshal will also sound
8 the gavel at that time.

9 Keep in mind that if you have additional
10 testimony that you would like to give, we are
11 available to receive that testimony in writing.
12 Also keep in mind that we have a court reporter, and
13 these proceedings are being recorded, and so for
14 those working group members who are unable to attend
15 this evening, that recorded testimony will be
16 available to them to review.

17 Also, for those who are interested in
18 speaking, you must sign up on the sign-up sheet that
19 is outside the door, because I'm going to go through
20 that sign-up sheet to call those who will be
21 speaking to us here.

22 Okay. So we're ready for, to hear our
23 first testimony, and that will be from Mr. Jerryl
24 Christmas.

25 PUBLIC COMMENT SESSION

1 MR. CHRISTMAS: Good evening.

2 HONORABLE BOOKER SHAW: Good evening,
3 Mr. Christmas.

4 MR. CHRISTMAS: I'm Jerryl Christmas,
5 I'm an attorney here in the metropolitan area. I
6 work in a lot of the different municipalities around
7 St. Louis County, and more specifically, I'm here
8 tonight because I represent the family of DeJuan
9 Brison, and DeJuan died in the Jennings jail. He
10 hung himself on October the 4th, 2014, and 18 days
11 later he died from that hanging on October the 21st.
12 And I believe that DeJuan was being held in Jennings
13 jail unconstitutionally, and I believe a number of
14 people have been held in various municipalities
15 unconstitutionally, have been heavily fined
16 unconstitutionally, and I'm very happy that this
17 committee has been formed to look at the municipal
18 court system.

19 Seven months before DeJuan died, Charles
20 Chapman died in the Jennings jail. Kimberly
21 Randle-King died from hanging in the Pagedale jail
22 last year. Jenny Newman was found unconscious in
23 the Des Peres jail, and she subsequently died three
24 days later. Bernard Scott hung himself at Pine
25 Lawn, and he survived from that hanging, but before

1 he hung himself, he asked for medical attention in
2 Pine Lawn. They called for the paramedics, the
3 paramedics came and said he should go to the
4 hospital. Pine Lawn said no, not until he post
5 bond, he can't go anywhere. Paramedics left, and he
6 subsequently tried to kill himself.

7 We have a serious problem with the
8 municipalities. Having 82 different municipalities
9 is a major problem, and we need to look at
10 consolidating these into one court system. We
11 currently have the St. Louis County Municipal Court
12 system. We have the Satellite Division, you have
13 Central Division, you have North, you have South,
14 and you have West Divisions. I believe the best
15 solution would be to consolidate the system into
16 that one St. Louis County Municipal System and
17 operate from that system. That way you could have
18 uniformity across the board with municipalities.
19 You could ensure that you had adequate training, and
20 have adequate facilities. I brought you, as I was
21 in my office working today, I brought you some
22 copies of some recommendations that I get, if I may
23 approach.

24 HONORABLE BOOKER SHAW: You may.

25 MR. CHRISTMAS: To hand them to you.

1 And you can take a look at these recommendations
2 that I get from the different courts, and you can
3 see the differences in the fine structures from
4 court to court. And I think it's important that we
5 have some uniformity, you'll see one court will
6 charge this, another court will charge another
7 amount, these are just recent recommendations that I
8 got this week.

9 Another example that I wanted to show
10 you that, this is from Normandy, and this is a
11 separate issue that has come up most recently that
12 I'd like you to take a look at. I received those
13 recommendations from Normandy earlier this week.
14 And when I looked at the name, I recognized the
15 name, but I couldn't locate the file. And so I
16 started to panic in the office, I said: I can't
17 find this person's file. So I called Normandy, and
18 I said when did I enter on this case? And he said:
19 2010. And I said: Well, why are you sending me a
20 record now, five years later? And he said: Well,
21 he never paid, so you'll need to come in. And that
22 just kind of shows you the inadequacies of the
23 system, that they would be sending me something five
24 years later, a recommendation on an individual that
25 now they say I need to come in or withdraw from the

1 case, where we had resolved this issue five years
2 ago. And this would never happen in St. Louis
3 County or in St. Louis City Municipal Court.

4 So we have some serious problems that we
5 really need to look at, and I really want you all to
6 seriously consider consolidating the courts. Thank
7 you.

8 HONORABLE BOOKER SHAW: Thank you, Mr.
9 Christmas.

10 MR. CHRISTMAS: And I'm leaving now,
11 because I have to go to night court, that's why I
12 wanted to be first, because I have to leave here and
13 go to several other courts, which is another issue.

14 HONORABLE BOOKER SHAW: Thank you,
15 Mr. Christmas.

16 We next have Christina Brooks.

17 MS. BROOKS: Hello.

18 HONORABLE BOOKER SHAW: Good evening,
19 Ms. Brooks, and you have to speak kind of directly
20 into that microphone. Thank you.

21 MS. BROOKS: Hello everyone, I won't be
22 too long, it's kind of hard, I am the mother of
23 DeJuan Brison. I've kind of jotted something down.
24 My name is Christina Brooks, my son DeJuan Brison's
25 death has been a tragedy. Not only to me, but to

1 his four beautiful children that he left behind
2 ranges from ages 5 to 8. DeJuan was arrested
3 October the 1st, 2014, for domestic violence, which
4 he was taken to the St. Louis City's Justice Center,
5 and the charges was dropped. DeJuan was held two
6 days after the 1st for failure to appear in Jennings
7 that stemmed from a warrant dated back in 2012,
8 which he paid a \$300.00 bond for that.

9 I believe Jennings made a mistake
10 somewhere, and for those two years for someone to be
11 out or, you know, not have anything to come across
12 them, you know, as far as a warrant being recalled,
13 or no issues to be taken until two years later, I
14 think there is some type of glitch in the system
15 somewhere. But Jennings took responsibility to pick
16 up DeJuan from the Justice Center, handcuffed and
17 shackled him, and placed in their jail house, given
18 the full custody of him. From that tragic day I
19 told the Court, I learned a lot about Jennings, and
20 one of them was, was that they had cameras and
21 monitoring devices that should have been monitored
22 at all times, not just for the safety of the
23 workers, but safety for all. And my question is
24 where are the cameras? What's the purpose of them?
25 Is it personnel? Is it funding issues? Why? Why

1 does it, Jennings even exist if they can't protect
2 our loved ones who they have custody of. And that's
3 basically all, all I have, all I have to say at this
4 time. Thank you.

5 HONORABLE BOOKER SHAW: Thank you,
6 Ms. Brooks.

7 Next we have Jenny Terrell.

8 MS. TERRELL: Good evening, my name is
9 Jenny Terrell, and I'm a third year law student at
10 Wash U in St. Louis. I began working on issues in
11 the municipal courtroom this past summer as an
12 intern at the Southern Poverty Law Center in
13 Montgomery, Alabama, addressing issues such as
14 excessive fines and fees, jailing for inability to
15 pay, and predatory private probation.

16 This fall I completed extensive research
17 into the practices of the Municipal Courts in
18 Missouri, especially in St. Louis County. My
19 colleague just handed you a binder that gives model
20 documents and further information on our proposals.
21 Recognizing your role in providing guidance to the
22 Missouri Supreme Court, I want to highlight that it
23 is undisputed that the Missouri Supreme Court has
24 the power to mandate equal justice across the
25 State's courts. I have three specific proposals to

1 address this, which also go to your Committee's
2 issues 3 and 4. The first proposal is distribution
3 of bench cards to all municipal court judges. The
4 second is creation of a protocol for ability to pay
5 hearings. And the third is uniform requirements for
6 notice to defendants. You have examples of all
7 three proposals in your binders from other supreme
8 courts around the country.

9 First, I urge the Missouri Supreme Court
10 to create and distribute a bench card to all
11 Missouri municipal court judges, which would outline
12 procedures for determining someone's ability to pay,
13 and instruct judges on the legal requirements for
14 setting bonds, collecting fines and fees,
15 restrictions on the use of incarceration, and using
16 alternative forms of sentencing. Your binders
17 include a copy of the bench card issued by the
18 Supreme Court of Ohio, and a bench card approved by
19 the US District Court in Atlanta in a case settled
20 earlier this year. Your binder also includes a
21 proposed model bench card for Missouri Municipal
22 Courts.

23 So why do we need bench cards? We know
24 from the DOJ Ferguson Report and other reports that
25 not all Missouri Municipal Court judges are abiding

1 by current Missouri law. This bench card would help
2 ensure compliance with SB 5 requirements, increase
3 judges' ability to efficiently and competently
4 dispose of a case, and begin addressing issues of
5 community perception of courts by helping ensure
6 that municipal judges across the state are
7 sentencing individuals uniformly, and treating them
8 equitably.

9 Second, I encourage your committee to
10 review, adopt and publish uniform guidelines for
11 Missouri Municipal Court judges as to how to assess
12 ability to pay. A uniform procedure would help
13 judges fulfill their legal duty to assess ability to
14 pay before incarcerating a person for failure to pay
15 court ordered fines and fees. In the binder you
16 will find recently published guidelines by the
17 Michigan Supreme Court Ability To Pay Work Group.
18 Now why does Missouri need an ability to pay
19 protocol? Because we know again that some municipal
20 court judges fail to conduct ability to pay entries,
21 despite at times being legally required to do so.

22 Third. Community members charged with
23 violations also need access to the information being
24 provided to judges and bench cards and ability to
25 pay guidelines. From the first moment community

1 members receive a ticket, to the final moment of
2 completing a municipal court sentence, many
3 individuals are woefully unaware of their rights or
4 the processes and procedures of the relevant
5 municipal court. We know that this lack of
6 transparency by the courts and local government
7 contributes to community mistrust in courts and the
8 law, and often creates a drawn out debtor/collector
9 relationship between community members and courts
10 that is oppressive, and in some cases illegal. We
11 all have to be concerned when the majority of
12 Missourians have lost trust in the local court
13 system.

14 At a minimum, community members must be
15 empowered with full access to information. Such
16 notice can be shared as early as at the moment of
17 ticketing, either as printed information on the back
18 of the ticket, or as an attached brochure. In
19 addition to the information provided to judges,
20 notice to community members should include basic
21 processes of the relevant municipal court, and most
22 importantly, information on the individual's rights
23 throughout the process. This information should
24 also be posted on courtroom walls and monitors.

25 Your binder includes two brochures, one

1 used in the New Jersey Consolidated Municipal Court
2 system, and the other used by Judge Thornhill's
3 municipal court in Springfield, Missouri. Both
4 provide information on court proceedings and
5 defendant rights. Your binders also include a
6 sample form of notice that can be printed directly
7 on the back of traffic tickets created by the Beyond
8 Housing 24:1 Project.

9 Municipal courts throughout the state
10 should be required to provide this information. I
11 encourage this committee to design both an
12 informational brochure and a template for notice on
13 the back of the ticket. I hope that the
14 implementation of these suggestions will help ensure
15 that all Missourians have access to a fair court,
16 and justice is no longer a function of geography.
17 Thank you.

18 HONORABLE BOOKER SHAW: Thank you. Next
19 is Sam Stragan.

20 MR. STRAGAN: Good evening. My name is
21 Sam Stragan, and I was born in St. Louis and raised
22 in St. Louis. I am a three -- third year law
23 student at Washington University School of Law
24 currently. I've been researching municipal court
25 reform since I started writing a note for a law

1 school on it last year, it's been more than a year
2 now. This evening I will speak primarily about the
3 issue of consolidation, one of the four issues under
4 analysis by this Work Group. I will offer said
5 suggestions centered on the essential relationship
6 between consolidation and the need for uniformity
7 and professionalism in the municipal courts,
8 especially in St. Louis County.

9 My colleagues and I researched websites
10 for all 80 courts in St. Louis County, as well as
11 St. Louis City. I have provided for you in the
12 binder a set of data, I believe it's Section 5,
13 concerning the state of municipal court websites in
14 St. Louis County. I also included the St. Louis
15 City data analysis. This data highlights both the
16 overwhelming number of municipal courts in St. Louis
17 County, and the lack of uniformity and
18 professionalism exhibited by them. In the process
19 we identified eight key elements we think are
20 required for municipal court websites to provide the
21 information necessary to inform violators of their
22 rights and responsibilities, and of the processes
23 and policies for the courts in order to uphold the
24 due process rights of individuals appearing before
25 them in those courts. It is under the title of Best

1 Practices For Municipal Court Websites in the
2 binder.

3 Those eight areas are: Basic
4 information needed for a court appearance, such as
5 docket time, court address, contact information for
6 the court clerk, information on court procedures and
7 practices, information on defendant's rights and
8 responsibilities, ability to pay online, information
9 on all payment options, information on ability to
10 pay assessments, as well as community service
11 alternatives, and information available in other
12 languages.

13 Unfortunately, as you can see from our
14 overview of the municipal websites, the data shows
15 differently. For example, of the 81 courts that are
16 in the St. Louis area, only 61 have municipal court
17 websites. Of those 61, only 56 have location and
18 timing of court dates. 55 have court clerk
19 information. Only 32 have any substantial
20 information on defendants' rights. 54 have the
21 ability to pay online. 42 have the ability -- or
22 explain information on alternative payment methods.
23 16 provide current dockets. And only 6 of the 81
24 courts provide any information on community service
25 as an alternative, as required by Senate Bill 5.

1 I believe that the faulty state of the
2 majority of these municipal court websites provides
3 a good view of the dangerous lack of uniformity of
4 justice being administered, and the lack of
5 professionalism throughout St. Louis County
6 Municipal Courts. Without the ability to obtain
7 correct information concerning their violations, and
8 the procedures and options available to them, many
9 individuals cannot resolve their outstanding
10 violations, even with a determined effort. Not only
11 does this serious lack of information contribute to
12 the distrust that currently exists between community
13 members and the courts, it also significantly
14 increases the likelihood that some individuals will
15 not have their rights ensured. Having full access
16 to the courts and having one's rights protected
17 should be uniform throughout Missouri's courts. It
18 should not be the unfortunate circumstance of
19 geography. It is within the Missouri Supreme
20 Court's power to promulgate and enforce rules of
21 practice and procedures governing the Municipal
22 Courts. Article V, Section 4, of the Missouri
23 Constitution provides for a unified court system in
24 which the Supreme Court has, quote: "General
25 superintending control over all courts and

1 tribunals." Article V, Section 5 states: "The
2 Supreme Court may establish rules relating to the
3 practice, procedure and pleading for all courts and
4 administrative tribunals which shall have the force
5 and the effect of law." The section establishing
6 the municipal court, Section 23, states that the
7 Supreme Court can change the practice, procedure,
8 right to a method of appeal before and from
9 municipal judges.

10 At a minimum, given that the Supreme
11 Court has this power to establish rules, the Supreme
12 Court should utilize its power to mandate all
13 municipal divisions in the state have uniform,
14 updated, and functioning websites with the above
15 characteristics, as well as uniform bench cards,
16 uniform information sheets for violators, so that
17 all essential information from the point of first
18 contact from -- with police officers and individuals
19 to the municipal court, itself, has that
20 information.

21 In my view, the Supreme Court could go
22 even farther. Incomplete, incorrect or nonexistent
23 court information has lead to municipal and
24 egregious municipal civil rights violations in many
25 small part-time municipal courts in the St. Louis

1 area. If they are unable to come up with these
2 professional standards, it is time to call for the
3 consolidation of these courts. I think that the
4 best way to do that right now is to require the
5 professionalism (gavel sounds) that require for all
6 other courts in this state.

7 So in closing, I want to thank you for
8 your time, and hope that you'll consider these --
9 these suggestions that we have in front of you.

10 HONORABLE BOOKER SHAW: Thank you, Mr.
11 Stragan. Jacob Blanton.

12 MR. BLANTON: Good evening, my name is
13 Jacob Blanton, I am in my last year of the JD/MSW
14 program at Washington University. I spent a good
15 portion of the last year engaged in municipal court
16 reform efforts as an intern in Jefferson City under
17 Representative Kirkton, as well as a practicum
18 student with Metropolitan Congregations United. I
19 spent the past several months in particular
20 researching alternatives to fines and incarceration,
21 including community justice center models and
22 alternative sentencing programs.

23 We know that the courts at all levels
24 have a perception problem, specifically the
25 municipal level, the courts are often viewed as tax

1 collectors of the poor, frequently targeting people
2 of color who have low incomes in order to fund
3 themselves and the rest of their government. This
4 perception has led many to the logical conclusion
5 that the municipal courts are unfair, biased, and
6 unjust, and we can debate those conclusions, or we
7 can acknowledge that our municipal courts, as they
8 currently exist, do not always promote a better
9 community or adequately protect public safety. Our
10 courts could and should do better to provide equal
11 justice for all.

12 You've heard valuable suggestions from
13 my colleagues as to ticket information, bench cards,
14 websites, it's all in your binders. I want to focus
15 on something that's a little bit more
16 transformative, though, a way to reconceptualize our
17 municipal courts as centers of community justice.
18 Instead of the current sentencing system for
19 municipal ordinance violations which enforces
20 community standards through fines and incarceration,
21 I propose that municipal courts should utilize
22 alternative community sentence -- sentences whenever
23 possible. Fines and fees should no longer be the
24 default. All violators, regardless of their income,
25 should be required to participate in these community

1 building activities. Now if the US Supreme Court
2 and the Missouri Supreme Court have mandated that
3 courts must assess an individual's ability to pay,
4 and SB 5 clearly requires that municipal courts
5 utilize alternative community service sentencing,
6 but as my colleague, Sam Stragan, highlighted, only
7 five St. Louis County municipalities currently list
8 community service on their websites as a legitimate
9 option. The Missouri Supreme Court should issue
10 rules and guidance on how municipal courts must
11 utilize alternatives so that the decision is not
12 merely left up to the discretion of the municipal
13 judge.

14 In one of your handouts, I propose four
15 alternatives that could be used in lieu of fines, or
16 in lieu of incarceration for nonpayment of fines.
17 It's at the end of your binder. One is community
18 service, which is already utilized throughout the
19 country, and is utilized in St. Louis City and
20 unincorporated St. Louis County Municipal Courts.
21 But other municipal courts in Missouri are woefully
22 and illegally, after the passage of SB 5, behind on
23 this.

24 The second alternative is community
25 restitution. Like community service, it aims to

1 repair the harm done to the community; so for
2 instance, a person who fails to maintain their
3 property may be required to help an elderly or
4 disabled individual maintain theirs. And this, this
5 kind of response holds the violator responsible, but
6 also contributes to the growth and betterment of the
7 community in general.

8 Community mediation is the third
9 alternative that I promote -- propose, which is an
10 alternative means of addressing nuisance-related
11 disputes. You'll note that this is already being
12 done on a small scale in this region by groups like
13 the St. Louis Mennonite Peace Center, and such
14 services should be utilized by all municipalities
15 throughout the state.

16 Finally, referral to social services is
17 an important alternative. Courts across the country
18 have begun to utilize social service referrals in
19 order to address the various life circumstances that
20 make interaction with the justice system more likely
21 and less successful. For example, alcohol and
22 substance abuse, unemployment and under employment,
23 homelessness, et cetera, the list goes on. Social
24 service referrals aim to hold violators accountable
25 while also helping to prevent future interaction

1 with the justice system.

2 I strongly encourage the Missouri
3 Supreme Court to examine the possibility of
4 statewide implementation of these alternatives. The
5 Court can do this through their oversight authority
6 and issue rules that establish guidelines for the
7 use of these alternative community sentences. I
8 would also encourage that municipalities consider
9 the extension of these community alternatives to all
10 violators, and not just indigent defendants, which
11 would go even further to repair community/court
12 relations and restore public trust in our courts.
13 In this way we would not be -- just bring our
14 municipal courts in line with Missouri, but we would
15 also set an example for the rest of the country,
16 which is also struggling with these issues. Thank
17 you for your time.

18 HONORABLE BOOKER SHAW: Thank you,
19 Mr. Blanton.

20 Next we have Alisha Sonnier.

21 MS. SONNIER: One of our members has
22 chosen to remain anonymous and was able to
23 successfully hire the prosecutor of a municipality
24 as her defense attorney on the case. I'm from
25 Decarcerate STL.

1 Our courts are supposed to serve as
2 justice centers for our communities. Our courts
3 were supposed to operate using three branches in
4 order to ensure fairness. Judge, prosecutor and
5 defense attorney, each with their separate roles, as
6 we all know. I present to you the broken St. Louis
7 County Municipal Court system where the separation
8 of these three roles is not honoring. Where the
9 judge, prosecutor and defense attorney likely do not
10 even hear the name of the defendant, let alone hear
11 or argue the case, and where the reality of business
12 as usual is clerks shuffling papers and
13 municipalities collecting revenue. How could it be
14 a legitimate court if on a recent traffic violation
15 case, two of these three roles were handled by the
16 same attorney. Yes, this is actually happening in
17 one of our St. Louis municipal courts on many
18 occasions. How can one attorney play two roles in
19 the same case in the same municipality? This can
20 only happen in a court system that is little more
21 than a three-ring circus instead of a hall of
22 justice. I am reluctant to offer further details on
23 the case that I am referencing out of fear of
24 retaliation, given this corrupt system. At the same
25 time, I cannot sit by and watch people being

1 destroyed by these so-called courts that are in
2 reality predatory financial shakedown rings preying
3 on the citizenry they were created, they were
4 created to serve and protect. So I must speak and
5 act. I'll end by asking that you pray for my safety
6 upon going public with this exposure of corruption.
7 I would not be surprised to find that... a sharp
8 increase in interactions with law enforcement in my
9 future. I will close with a hope that in this
10 country and in the St. Louis region, justice can
11 really be for all.

12 HONORABLE BOOKER SHAW: Thank you.

13 Okay, we next have James Jones.

14 MR. JONES: Good evening.

15 HONORABLE BOOKER SHAW: Good evening,
16 Mr. Jones.

17 MR. JONES: My name is James Jones, I'm
18 an organizer with Missouri Organizers For Reform and
19 Empowerment. So I was born and raised in St. Louis,
20 and I think that growing up here we always just,
21 especially on the side of town, I'm from North
22 County, so I grew up in Berkeley, kind of moved
23 around a little bit from Ferguson and Jennings for a
24 while, and I think that we grow up with the
25 understanding that this is just the way that things

1 were. So the municipal courts and the, the system
2 that we live under is, is tyranny at best, and I
3 think that from the outside looking in, it seems a
4 bit like apartheid, because the experiences we have,
5 not only do they not exist in the entire region, but
6 it's astonishing that other people outside of our
7 neck of the woods -- like after I was 17 I left St.
8 Louis and I went away for school, I only recently
9 came back a little while ago, and I think that in
10 the wake of some of the uprisings here in St. Louis,
11 and in, a lot of the national attention has brought
12 a light or the national spotlight on this situation
13 with municipal courts, I think that it's sad that it
14 took so long for us to have this conversation about
15 what these problems are and how they have impacted
16 the lives of so many of our citizens here in the
17 city. I've had family members who have lost
18 employment, and houses, lost their, lost their
19 homes, because of incarceration for minor traffic
20 offenses, and I think that that, in and of itself,
21 exposes a huge problem when we already have a jail
22 population that the person, as it seems, and we
23 complain about not having enough room in certain
24 facilities, and we consistently locking people up
25 for traffic, minor traffic offenses. I think that

1 that is deplorable, and sometimes it's sad to say
2 that this is the city that I'm from and that I live
3 in. And I would just like to see us make a, a move
4 forward, I heard one of the speakers earlier mention
5 that we would like to see our courts be the model
6 for municipal courts in the country, and I would
7 like to see something like that in St. Louis, I
8 would like to see my city that I call home and that
9 I have so much love and respect for to be held in a
10 higher regard in, throughout the country, and not
11 always be the end of a sad joke about racism or
12 about subjugation, marginalization of poor people.
13 So I just would like to feel more proud of my city,
14 so I think consolidation is the smart choice, it's
15 the right choice, and it's the only choice.

16 HONORABLE BOOKER SHAW: Thank you.
17 Nabeehah Azeez.

18 MS. AZEEZ: Hello, my name is Nabeehah
19 Azeez, I am an organizer with Missourians Organizing
20 For Reform and Empowerment. I'm not from the St.
21 Louis region, I'm from Virginia. I moved here about
22 six years ago, I came here and I attended the
23 University of Missouri St. Louis, where I studied
24 criminology.

25 Last year after the events in Ferguson,

1 at the time I was working as a probation parole
2 officer, you know, I jumped at the opportunity to
3 volunteer with the jail support and the bail fund
4 that was helping out protesters and activists in U
5 City, you know, in Ferguson and in the surrounding
6 St. Louis area. And while I did that, while I
7 volunteered with the jail support, I was really
8 horrified to see how the municipal courts were
9 treating its own citizens. I was horrified to see
10 how differently -- how each municipality had its own
11 rules, and its own regulations, and fines and fees
12 were completely different depending on which
13 municipality you were in. It was bad enough that
14 St. Louis citizens were being arrested for
15 expressing, you know, in utilizing their
16 constitutional rights to protest, and to make their
17 voices be heard, but in the process of trying to get
18 people out of jail, going through over 80
19 municipalities, some people had warrants for things
20 that they didn't even know about. I've seen people
21 who were arrested and were held and transported to
22 different municipalities because they had warrants
23 for returning damaged videos to a video store. And
24 I think that that's really laughable that we're
25 transporting people around town, holding them for

1 something like returning damaged videos, and these
2 are the people who are citizens of this town. This
3 is my home now, and I don't want to live in a city
4 where I would be carted around town like a common
5 criminal for expressing my rights. I don't want to
6 live in a town where I'm carted around town to
7 different municipalities for nonviolent traffic
8 offenses. I don't want to be in a place where it's
9 okay for me to, to go to jail or to have a warrant
10 put out for my arrest because my brake light went
11 out on my way home from work. I know that since
12 Senate Bill 5 has been passed, some of those things
13 are no longer permitted; however, when there's over
14 80 municipalities, it's extremely difficult to make
15 sure that all of those municipalities are actually
16 following through with the current legislation
17 that's in place.

18 I wanted to make it very clear that I
19 think that the municipal courts need to be
20 consolidated immediately. This is a crisis
21 situation. I'm not sure how the people in the St.
22 Louis region have been able to tolerate this system
23 for so long, living in places where there are
24 debtors prisons, living in a place where the cities
25 are operating off of the backs of their poor and

1 marginalized communities. That's not the kind of
2 city that I want to live in, that's not the kind of
3 city that I want to call home, that's not the kind
4 of city that I would want to raise children in, and
5 I think that you all are in a very fortunate
6 position, because you have the ability to hear the
7 people in this room and to make a change. And so
8 regardless of how the history has been in St. Louis,
9 this is your opportunity to make a difference, this
10 is your opportunity to tell your citizens, to tell
11 the people who live here, to tell your neighbors and
12 your children and the people who look up to you as
13 people in positions of power that, no more, that
14 justice will be served, and that the people will not
15 have to live in a town where they have to be, you
16 know, terrified that they might get pulled over for
17 a minor traffic violation and be carted around town,
18 have to deal with all of these different violations
19 in over 80 different municipalities as if they are
20 criminals. Thank you.

21 HONORABLE BOOKER SHAW: Thank you.

22 MS. AZEEZ: Please consolidate the
23 municipal courts. Immediately.

24 HONORABLE BOOKER SHAW: And we will next
25 hear from Roz Brown.

1 MS. BROWN: Good evening.

2 HONORABLE BOOKER SHAW: Good evening.

3 MS. BROWN: My name is Rosilyn Brown,
4 and I actually reside in the city of Pine Lawn.
5 Today I'm here as an activist with Decarcerate St.
6 Louis, which is also affiliated with Missourians
7 Organizing For Reform and Empowerment. The
8 Department of Justice and the Arch City Defenders
9 have provided more than enough information,
10 evidence, examples, of how the municipalities within
11 this region have preyed upon the neediest and
12 marginalized people in their own communities. Today
13 we are here actually just requesting, you know, that
14 you do consolidate the 81 municipalities in the St.
15 Louis County region.

16 I advocate Senate Bill 5, and the
17 reasons for that is because of the municipal court
18 reforms. But the municipal court reforms are not
19 going to work unless they are partnered with an
20 actual consolidation of these courts. What's
21 occurring right now in municipalities on a local
22 level is that they are finding another way to
23 actually cramp on people in the community, actual
24 citizens in their own communities, taxpayers in
25 their own communities, in order to generate revenue.

1 They have reduced the ticketing practices and things
2 that are associated with the bench warrants and
3 those, and those type of activities. However,
4 housing code violations have increased. There's an
5 incident right now, a lawsuit in the City of
6 Pagedale in which housing violations, there's a
7 lawsuit against them, Arch City Defenders reports
8 that the City of Pagedale, their housing code
9 violations have increased over 500 percent. I,
10 myself, was a victim as, as well as many others in
11 my own community, of the ineffective leadership, and
12 also due to the impoverished community that we live
13 in. So they devised another system in which to
14 generate revenue and prey upon people directly in
15 the community.

16 I'm an everyday person, I have common
17 bills. When I was at home, actually, I was writing
18 a paper comparing the Nigerian educational system to
19 the United States educational system, when the
20 police department and the Housing Code Enforcement
21 Department intruded upon me because of the political
22 conflicts that we had with the mayor of the City of
23 Pine Lawn at that time. On that day I was falsely
24 arrested, drug from my home, and issued 33 housing
25 violations on a house that was not even in my name.

1 The cost for those tickets was \$100.00 apiece. I'm
2 a single African American mother on a fixed income.
3 My eleven-year old daughter was not home at that
4 time, but they saw her out next door while she was
5 with my 71-year old neighbor waiting on me. She,
6 too, was arrested and caged in the Pine Lawn
7 Municipal Courts. Again, we were falsely arrested
8 and detained for political reasons.

9 There's a lot of ineffective predatory
10 practices that still exist in these municipal
11 courts. There's a need for a more uniformed court
12 system to exist that can monitor, regulate, and
13 deter these predatory nature practices that still
14 exist in a racist judicial system.

15 The problems with institutionalized
16 racism is that those people who cannot afford to
17 meet the very basic needs in their life are issued a
18 poverty tax. So now housing code violations are
19 replacing what identified or characterized the
20 debtor cycle. The problems that exist in Ferguson
21 exist across the street, too. We need better
22 leadership, we need a better system in place to
23 regulate how our municipal courts will operate.
24 Please consolidate the municipal courts. Thank you.

25 HONORABLE BOOKER SHAW: Thank you.

1 We will next hear from Kennard Williams.

2 MR. WILLIAMS: Hi. I'm also an
3 organizer with Missourians Organizing For Reform and
4 Empowerment. I'll read a testimony from one of our
5 members who also would like to remain anonymous.

6 Around April 21st, 2013, there were
7 about 15 to 20 people at my home in Pine lawn. They
8 were mostly residents between 2 and 60 years of age
9 and several others. We were commemorating the death
10 of a former resident. One of my friends and
11 neighbors was grilling hot dogs that were free for
12 anyone there. As we were eating hot dogs and
13 socializing with each other peacefully and
14 respectfully, the Pine Lawn police officers swarmed
15 the scene saying that they received calls. We told
16 the officers we were fine and had no issues or any
17 trouble. We explained to the officers that we were
18 commemorating a death. The officer asked for my
19 identification, I complied. Then out of nowhere I
20 was snatched up and cuffed for no reason. The crowd
21 asked him in a worried manner: What did he do? The
22 officers gave no reason. People were steadily
23 saying: He hasn't done anything. The officers
24 continued with my arrest and then began to lock up
25 anyone who spoke or recorded of their wrong doings.

1 Those included and arrested were other family
2 members of mine, five to be exact. As I sat in the
3 rear of the police car, I watched the officer enter
4 the home without permission and locked up another
5 one of my family members. He told her that she had
6 warrants for tall grass and weed citations. She was
7 58 years old at the time, now 59. She is on Social
8 Security and is a diabetic. We were taken to the
9 Pine Lawn Police Department where Mayor Sylvester
10 Caldwell watched as we were taken in. I was booked
11 and required to put on a jump suit and locked up
12 until bond was posted. I attended the next court
13 date, pled not guilty, and was given a continuance.
14 While in court I noticed a gray box stating if you
15 feel you were mistreated, please contact Chief
16 Rickey Collins. I made several attempts to contact
17 the chief regarding the incident. I showed up for
18 one scheduled meeting and was told that he had a
19 prior engagement. I rescheduled, but before I could
20 ever meet up with him he was fired. I attempted
21 what I thought was the next step by contacting the
22 Mayor. After several calls leaving messages, I
23 noticed that my voice mail had -- I had a voice mail
24 on my cell phone. It was a message left at 8:20
25 p.m. to contact the Mayor. I was never given the

1 chance to discuss this, so I continued going to
2 court. On a later court date I was snatched up and
3 dragged out of court by another police officer for
4 having a smile on my face. He was, his Sergeant of
5 Arms Willie Manner and removed me from the court.
6 He told me: How dare you talk about police
7 involvement, and would say things like: Shut up
8 before I tase you. This is the most disturbing and
9 worried times of my life, that I had been harassed
10 by police to that degree. I even asked the attorney
11 Anthony Gray: Did you see how he was treating me?
12 What did I do? He replied: Shut up and be quiet
13 before you are held in contempt. I was taken to a
14 cell until I was eventually released that morning
15 after court. I felt like I'd been robbed of my
16 money, my human rights, and as a result of a
17 wrongful false arrest, I tried to settle this matter
18 diplomatically to no avail.

19 I'd like to point out that it's the
20 duty, it's the job, it's the charge, it's the
21 responsibility of the Missouri Supreme Court to
22 instill faith in the justice system in the area, and
23 as it stands right now, that does not exist. There
24 is no faith in the Missouri Supreme Court, there is
25 no faith in the Missouri justice system, because of

1 the reasons that these municipal courts have been
2 allowed to run rampant. They've been allowed to run
3 rampant with local leadership, and they've been
4 allowed to run rampant with hat switching
5 prosecutors and judges, switching roles as they feel
6 to see fit, and it cannot go on. Consolidate the
7 Missouri courts.

8 HONORABLE BOOKER SHAW: Okay, we'll next
9 hear from Darrick Smith.

10 MR. SMITH: Good evening.

11 HONORABLE BOOKER SHAW: Good evening.

12 MR. SMITH: My name is Darrick, I want
13 to start off and say that my experience with both
14 county and municipal courts has been ruthless, the
15 process of being ticketed by Jennings, Pine Lawn,
16 Ferguson, and Country Club Hills excessively while
17 simply driving to and from work. Often I have been
18 given tickets without fines, with no court date.
19 Only choice is to call and leave voice messages
20 without an option of requesting a call back. I
21 normally by following their instructions and
22 repeatedly calling the courts as instructed, the
23 courts are busy issuing warrants for my arrest. A
24 simple seat belt ticket can turn into 300 more
25 abide. Just to be released from jail without a new

1 court date, I have been jailed and made to come up
2 with high bonds and pay excessive fines as a result
3 of predatory ticketing practices in the municipal
4 courts. Each municipality with different rules and
5 requirements. My experience is the same as many
6 other St. Louisans, and this is why I know that the
7 municipal courts need to be consolidated now.

8 HONORABLE BOOKER SHAW: Thank you.

9 Mark Levitt.

10 MR. LEVITT: Good evening. My name is
11 Mark Levitt, I'm a licensed attorney for over 39
12 years, I'm a member of the Missouri Municipal and
13 Associate Circuit Judges Association, I was
14 president of that association in 2002/2003. I've
15 been a municipal judge for over 30 years in a
16 municipality in St. Louis County, I've been a
17 municipal prosecutor for over 18 in another
18 municipality.

19 Part of our concern is the education
20 process of judges, prosecutors, the general public.
21 There are remedies for any illegal or improper
22 treatment by either a judge, court administrator, or
23 prosecutor. In the Constitution of the State of
24 Missouri, we have the Commission For Discipline,
25 Removal and Retention of Judges, that includes

1 municipal judges who are divisions of the circuit
2 court. Likewise, the Disciplinary Council of the
3 Missouri Bar that discipline attorneys who are
4 either prosecutors or judges for anything improper.
5 While there are some problems with Senate Bill 5
6 that was passed and signed by the Governor, it also
7 provides for some of the remedies for the problems
8 that we've heard about today. There is a
9 requirement for fines that are logical, there are
10 provisions for the appointment of attorneys, the
11 Supreme Court as part of SB 5 is mandated to come up
12 with requirements or guidelines for web counsel to
13 be appointed for defendants, that has not occurred
14 yet, it's supposed to go through the Supreme Court,
15 the presiding judge, who has superintending
16 authority over municipal judges in the circuit,
17 which they exist; that has not happened yet.
18 Likewise, there are provisions that the State
19 Auditor, Department of Revenue, and OSCA are
20 supposed to give us guidelines and forms that need
21 to be complied with; that has not occurred as yet,
22 although the law went into effect August 28th of
23 this year, we are looking for guidance.

24 As regards possible conflicts of
25 interest, the biggest conflict that I found from

1 anybody serving as both a prosecutor and a judge is
2 having an assistant prosecuting attorney for the
3 county serving as a municipal judge and possibly a
4 municipal prosecutor. A full-time state prosecuting
5 attorney, for example, for St. Louis County will
6 review complaints filed by the police departments of
7 that particular county, and they may indeed also be
8 hearing cases as judge of that municipal court.
9 Likewise, if they're a prosecutor, they are judging
10 both for violations of municipal court, and state
11 court violations. The commission that we've alluded
12 to already can receive complaints from citizens,
13 other judges, attorneys, for predatory practices,
14 practices that are contrary to the law. They review
15 those, and if there's sufficient cause, they hold a
16 hearing to remove that particular judge. In St.
17 Louis County there's been an improvement committee
18 of the St. Louis County municipal judges that
19 basically has tried to that ban uniform fines. Part
20 of the problem with those uniform fines was I would
21 have had to raise my fines in my municipal court if
22 I refused to go along with it. Likewise, in the 30
23 some odd years I've been a municipal judge, my
24 minimal fines are \$14.00 per payment, as opposed to
25 the reputation of the justice department and the

1 (inaudible) laws. I have never incarcerated
2 anybody, or seen anybody incarcerated for not paying
3 a fine. If they show up to court and say they don't
4 have the money, they're going to be given court
5 time. Likewise, if they raise the problem of
6 indigency, we will explore that, and see if that
7 would be an avenue available to them. I thank you
8 for your time, and hopefully you will consider all
9 of the proposals that are before you. Thank you.

10 HONORABLE BOOKER SHAW: Thank you,
11 Mr. Levitt.

12 We now have Jessie Steffan.

13 MS. STEFFAN: My name is Jessie Steffan,
14 I am a staff attorney at the ACLU in Missouri, a
15 resident in St. Louis city and a member in good
16 standing with the Missouri Bar. Thank you for
17 serving on this committee and for scheduling this
18 hearing. I found an article concerning Municipal
19 Courts from the Missouri Law Review. In the article
20 the author found that the penalties were quote much
21 too severe, and that the courts were full of
22 persons, quote, uncomprehendingly pleading guilty
23 and paying a fine in order to get it over with. The
24 author concluded that, quote, the municipal court in
25 the state is today too much an anomaly, too

1 backwards in its procedures, too arbitrary in its
2 administration, to gain respect by the public which
3 the court must have. I point this out because this
4 article was written almost 60 years ago, and
5 although the municipal writ has been annexed into
6 the state court system since then, nothing else has
7 changed. The time for voluntary reform is long
8 passed, and the time for relying on existing
9 remedies, as Judge Levitt advocated is passed, they
10 don't work when defendants cannot gather evidence
11 because of an administrative disorganization. On
12 the proprietary -- on the propriety of persons
13 serving in different capacities in municipal court
14 divisions, this practice contributes to the
15 widespread perception and reality that municipal
16 courts cater to the pecuniary interests of a few key
17 players. To combat this perception, attorneys must
18 be prohibited from serving as a prosecutor in one
19 court, and a judge in another. Fortunately, this is
20 an issue that can be fixed easily. The Supreme
21 Court could amend Rule 23(b)1 of the Supreme Court
22 rules within the Code of Judicial Conduct to the
23 prohibit a part-time municipal judge from practicing
24 law in any municipal division, or in a state court
25 in the judicial circuit in which he or she judges.

1 To the extent that this prohibition would limit the
2 pool of qualified candidates for municipal judge,
3 this will be addressed by second topic you asked for
4 comments on, the municipal divisions must be
5 consolidated. There's a vast amount of evidence
6 that the existing system promotes profit at the
7 expense of justice, which you have heard tonight.
8 And as you've heard, Senate Bill 5 has been
9 insufficient to address the profit seeking, because
10 first it allows richer cities to continue these
11 practices without oversight, and second, poorer
12 cities now plundering to keep their courts afloat
13 have shifted to approving additional fees, like in
14 Florissant, or enforcing other kinds of overlaid
15 expensive municipal ordinances like in Pagedale.
16 This is a violation of the Missouri Revised Statute
17 483.246, at least in spirit, which prohibits
18 municipal court clerk salaries to be tied to revenue
19 generation. The Supreme Court of Missouri has
20 authority to order the consolidation of municipal
21 courts under the Constitution, Article V, Section
22 4.1, which others have already addressed. The
23 Constitution gives the Supreme Court superintending
24 power, and general supervisory control over all
25 other state courts, and superintending powers,

1 according to the dictionary, includes the authority
2 to change the arrangement of the organization over
3 which the power is exercised. The Supreme Court
4 could also take other intermediary steps, hiring a
5 great number of temporary additional staff pursuant
6 to Section 4.1 power to shadow the municipal courts
7 while they come into compliance with
8 recommendations, removing the municipal judges of
9 and assigning all ordinance prosecutions in cities
10 with fewer than 400,000 persons to associate circuit
11 judges throughout, through its Constitutional
12 Article V, Section 2798 power, or by acting in
13 cooperation with the Judicial Finance Commission
14 pursuant to Missouri Revised Statute 477.600,
15 withhold the funding to unconsolidated or otherwise
16 uncooperative municipal divisions. Consolidation
17 will also make other changes easier, because more
18 has to be done to address the negative public
19 perception of the municipal courts. The Work Group
20 should make additional recommendations to the
21 Supreme Court of Missouri, which should impose them
22 by law through its supervisory authority so that
23 they are consistent and uniform throughout the
24 state. These should include increasing the number
25 of court sessions to at least once per week on

1 different days and at different times, capping the
2 number of ordinance violations to be heard in each
3 court session, taking cases in numerical order, not
4 calling all attorney represented persons first,
5 permitting children to attend court, assessing
6 ability to pay in a uniform way when imposing a fine
7 or fee, which would be in compliance with Supreme
8 Court Rule 3765 and Missouri Revised Statute
9 479.240, waiving court costs for cooperating pro se
10 ordinance defendants, ending bond altogether for
11 civil and quasi criminal ordinance violations,
12 posting pertinent procedural rules, dates, times,
13 and other relevant information on the courthouse
14 door, on functioning websites, on the back of every
15 citation and every court mailed notice of
16 proceedings, and the fact of announcing ad hoc
17 procedural rules from the bench, requiring
18 defendants 17 and younger to be tried in juvenile
19 court, prohibiting the issuance of warrants so
20 called wanted for failure to appear offenses
21 everywhere, requiring the courts to use the
22 designated database for warrants and dismissing
23 warrants not in the database, and encouraging
24 Missouri General Assembly to expand to malpractice
25 insurance coverage through Section 105.711 to more

1 groups of pro bono attorneys. In the 1990's the
2 Circuit Court Budget Committee found it would be
3 great public benefit to consolidating circuit
4 courts, and they offered money, technical assistance
5 and other benefits to circuit courts that
6 voluntarily consolidated, and a study headed by the
7 Barton County Circuit Court found that the
8 consolidation had been a great success. It led to
9 increased (gavel sounding), cost reduction, computer
10 education, and a greater adherence to the law. I
11 urge you to look at that in considering your
12 recommendation. Thank you.

13 HONORABLE BOOKER SHAW: Thank you.
14 James Jones.

15 James Jones.

16 Rosilyn Brown.

17 John Amman.

18 MR. AMMAN: Good evening.

19 HONORABLE BOOKER SHAW: Good evening.

20 MR. AMMAN: Thank you for the
21 opportunity, my name's John Amman, I'm a professor
22 at St. Louis University School of Law, supervisor of
23 part of our Litigation Clinic of Law with my
24 colleague Clinton Berger.

25 This is a Thursday night in St. Louis

1 County. Around St. Louis County tonight there are
2 thousands of people, most of them African American,
3 lined up outside municipal courthouses. They're
4 lined up outside because the courthouses aren't big
5 enough to let them come in to have a seat waiting
6 for their case to be heard. Obviously it's worse
7 when the weather's worse. Around St. Louis County
8 tonight there are people in that line worried that
9 they're going to be put in jail tonight because the
10 judge said come back with \$100.00, and they only
11 have 30. Around St. Louis County tonight there are
12 many people who are supposed to be in municipal
13 court and who did not go, because they didn't have
14 that hundred dollars. And what will happen to them
15 this weekend, or a month from now, they'll get
16 arrested because there was a warrant, because they
17 didn't show up. Because they didn't have the money.

18 Why do we need consolidation? This
19 problem can't be fixed, because we have 81 municipal
20 courts. There is no one watching those 81 municipal
21 courts. Now the city councils in those
22 municipalities don't think it's their job to
23 supervise a judge. He's a lawyer. He's a judge.
24 They don't think it's their job to supervise the
25 prosecuting attorney. The Circuit Court of St.

1 Louis County -- and I'm assuming you'll hear from
2 them tonight, all right, this is your only hearing
3 in St. Louis? I will assume before the night's over
4 that somebody from the Circuit Court of St. Louis
5 County will come before you and tell you what
6 they're doing to remedy the system. So I look
7 forward to hearing that.

8 The problems that we've had because of
9 the lack of consolidation, illegal fees, you will
10 hear from the municipal judges and prosecutors:
11 John, if your clients will just follow the law, get
12 their tags, ride under the speed limit, they won't
13 have this problem. The cities in St. Louis County
14 don't follow the law. How many municipalities did
15 not file their financial report with the auditor
16 about the Macks Creek Law? And the law said, until
17 Senate Bill 5 changed it, that they automatically
18 lost jurisdiction. Those cities kept putting people
19 in jail and fining them. How about illegal fees?
20 City of Ferguson, okay? You can say to a young
21 black man driving without a license that, follow the
22 law, do what you're supposed to do, pay your fines.
23 The City of Ferguson and many others were charging
24 that young black man a \$50.00 warrant recall fee,
25 and a \$15.00 letter fee to tell him that he missed

1 his court date. The City of Ferguson and others
2 were stealing money from young people primarily, and
3 mostly African Americans. Give the money back. But
4 my point tonight is why do we need consolidation?
5 Because we, because we have so many municipal
6 courts, and because no one was watching, this stuff
7 was allowed to occur.

8 Exclusion from courts. Now I know
9 Senate Bill 5 deals with this, but I have,
10 personally, witnessed a 16-year old girl told she
11 can't have her father come to the municipal court
12 hearing with her, because he wasn't on the docket.
13 A 16-year old girl wants to have her mom or dad with
14 her when she talks to a judge. And some of the
15 judges will say: Oh, we encourage parents to come.
16 I've been in courts where the dad has been told he
17 can't come in. I've been in courts where a woman
18 comes with her six-year old daughter, and the 20
19 something-year old cop says: You can't bring your
20 child into the court. And that woman went home, I
21 talked to her later, she left the child with
22 somebody that she barely knew. And members of the
23 Commission, I'd ask you to think about the problems
24 created with 81 municipal courts, and municipalities
25 that hire very untrained police officers and pay

1 them \$11.00 an hour.

2 Municipalities in St. Louis County with
3 2000 people operating municipal courts do not have
4 professional marshals like these gentlemen here
5 tonight. They have 22-year old people fired from
6 other departments who make \$11.00 an hour. And
7 that's whose governing access to courthouses,
8 telling people if their cell phone rings they'll
9 confiscate it, telling them their children can't be
10 in the courtroom. We can't allow this to continue.

11 On the conflicts issue, I will just ask
12 you to please help me explain to my clients how --
13 and you heard tonight, judges of the municipal
14 courts are a division of the circuit court, right?
15 Help me explain to my clients how one judge of St.
16 Louis County can appear before another judge of St.
17 Louis County. Thank you.

18 HONORABLE BOOKER SHAW: Thank you.

19 Michael Gunn.

20 MR. GUNN: Thank you. My name is
21 Michael Gunn, I'm a life-long citizen of the state
22 of Missouri and the city of St. Louis, I practice
23 law in St. Louis County with my son and
24 daughter-in-law, and I have been involved with
25 municipal courts, and I am celebrating my 45th year

1 with the city of St. Louis. I object strongly to
2 Mr. Amman's comments, because if somebody come in
3 here and give you some unsubstantiated testimonials
4 about how horrible these courts are is really not
5 very fair. The fact of the matter is there are
6 thousands of people, he's right, who are going to
7 courts this week in St. Louis County who are being
8 treated justly, who are getting justice, they -- and
9 more than that, people in their communities are
10 getting justice because that court is there to
11 represent them.

12 I have a different perspective. A
13 number of the speakers here tonight have had, their
14 perspective has been only from that of a defendant,
15 somebody who has come into the court as a defendant.
16 Well, they certainly have rights that need to be
17 protected, but there are other people -- you know, I
18 have people come into my court that have barking
19 dogs next door. They have a right to have peace and
20 quiet. And let me add that they think about how
21 they are going to best solve a problem like that,
22 best solve a problem which is strictly a local
23 problem. We are very fortunate in St. Louis County
24 to have -- they keep on talking about 81 courts --
25 to have the matrix of courts that we have there, if

1 they're operated properly. Nobody is suggesting
2 that they should do anything that's improper.
3 Anything they're doing wrong should be corrected.
4 Mr. Amman suggested that somebody from St. Louis
5 County would come in, I don't know if there's
6 anybody from the circuit, but I do serve on the St.
7 Louis County Committee on the Improvement of the
8 Municipal Courts. They brought us a problem about
9 people not being, getting, being able to get in
10 courts. We addressed that problem, had the courts
11 all adopt a rule so that we could solve that
12 problem. They, I think, accepted that and thought
13 we did a pretty darn good quick job. They didn't
14 come back to us with the next problem, because there
15 wasn't enough publicity. It's because we were able
16 to resolve it.

17 I want to talk about the consolidation.
18 I do think that -- well, let me talk first about
19 conflict of interest. I ask you, please, before you
20 would recommend to the Court any rules that would
21 prohibit somebody from doing their job, that is to,
22 whatever your job that you do all day long, think
23 about somebody stopping you from doing it. Restrain
24 a prey, there's (inaudible). Before you would do
25 that, think about whether or not there is actually

1 any conflict. Mr. Amman says: Well, there should
2 be a -- how do you tell your client that the person
3 who's there is a judge and there's another judge?
4 Well, I don't know, you know, that's sort of an
5 interesting comment, but what does it mean? I don't
6 know what that means. I think that sometimes there
7 are some lawyers who think that other people are
8 getting better deals than they're getting from the
9 prosecutor because they work in a different city.
10 Well, I mean first of all, what are the facts? And
11 secondly, here in the City of St. Louis, I think it
12 made a bigger difference about what high school you
13 went to than whether or not you went to a different
14 school -- worked at a different court. On
15 consolidation, remember that these cities that
16 you're talking about are independent cities, they
17 have a right to have their own government, and those
18 governments are made up of three branches like
19 everybody else. Are we telling the City of Webster
20 Groves that they shouldn't be in business or
21 shouldn't have a court? Are we telling the City of
22 Kirkwood -- you know, it's really sort of funny, we
23 don't talk about them, we're talking about Pine
24 Lawn, we're talking about Jennings, we're talking
25 about North County city. So the concept that you

1 should, you can actually stop people from exercising
2 their own right to do, how they're going to get
3 their problems resolved and how they're going to
4 operate their own government, I don't know that the
5 Court can do that, that they can tell people they
6 can't do that.

7 I just want to make two other comments
8 about other things that have been talked about here
9 tonight, and that is alternative community service.
10 I'm a hundred percent in favor of it. As a judge, I
11 do give it, let me say that most people don't want
12 it. To think that it's a panacea of some type is
13 incorrect, because it just, a lot of people would
14 much rather pay a fine.

15 That's all, I just wanted to voice my
16 comments and tell you that I think that we're
17 working very hard on making the courts better,
18 having a central system in St. Louis County to make
19 sure that there's rules that can be followed by all
20 the courts that can be done, but it would be an
21 absolute sin to destroy this great benefit that we
22 have, and other major cities in the United States
23 would love to have, and that is local governments
24 solving local problems.

25 MS. NORWOOD: Excuse me, sir, I wanted

1 to ask you a quick question. Are you saying that
2 the Missouri Supreme Court does not have the
3 authority to enact the rules that would govern how
4 municipal courts run? I just want to --

5 MR. GUNN: Oh, no. We are, we are under
6 the Supreme Court, there's no question about that.
7 As to whether or not the city can have a municipal
8 court is a different question. But as to whether --
9 how these courts are operated, we are clearly under
10 the jurisdiction of the circuit court in St. Louis
11 County and work with the presiding judges in this
12 county.

13 MS. NORWOOD: All right. Thank you.

14 HONORABLE BOOKER SHAW: All right, next
15 we'll here from Lauren Verseman.

16 MS. VERSEMAN: Good evening. My name's
17 Lauren Verseman, and I'm a second year law student
18 at Washington University, but before I went to law
19 school, I worked at the Public Defender's office in
20 the City of St. Louis where I was responsible for
21 intake for all the people requesting a public
22 defender. During that time I've talked to probably
23 thousands of people, mostly people of color who are
24 barely barely making it. This semester I've been
25 interning at Arch City Defenders where we represent

1 people in very similar situations trying to
2 negotiate their way through the municipal courts.

3 So first I'd like to say that I agree
4 with many of the other speakers that the courts
5 should be consolidated. I think that it's a system
6 right now in its current configuration where people
7 who are least able to pay are being forced to
8 shoulder the greatest burden. Although I agree with
9 consolidation, I'd like to speak to a much more
10 narrow point tonight. A point that deals with the
11 application of the alternative sentences like
12 community service. So if courts do start giving
13 people options of community service, once a court
14 makes a finding that a person is indigent, the
15 default option is often community service, and it's
16 tempting to think of community service as getting
17 off easy. It's like: I don't have to pay. But
18 when these courts substitute community service for
19 monetary fines, these alternative sentences still
20 impose an excessive burden on the indigent
21 defendants. When someone imagines what we might
22 mean by community service, we might think about
23 working at a homeless shelter, working at a food
24 bank, working at a day-care. People we're
25 sentencing to community service are often the people

1 living in those shelters and using those food banks.
2 They're the very people a lot of community service
3 is designed to help. So if people don't have the
4 means to pay a fine, there are likely other
5 circumstances in their lives that prevent them from
6 having access to predictable work schedules,
7 transportation, child care, housing, food, all of
8 the things that they would need in order to start
9 doing their community service. Doing 30 hours of
10 community service means something very very
11 different, depending on what your life situation is.
12 So although community service alleviates the need to
13 pay a dollar amount, the difficulties people may
14 face in completing those hours demonstrate that
15 there's still a disproportionately high cost.

16 So my proposed response to this fairly
17 simple. That the municipal court rules should
18 contain a provision that expressly allows volunteer
19 groups to perform community service on behalf of
20 those in need. Basically people in the wider
21 community could donate hours of service to pay off
22 the balance of indigent defendants. Participants in
23 this program could be anyone from members of the
24 faith communities, to universities, to corporations
25 even looking to invest in their neighborhoods. If

1 you think about the law school, every year the
2 incoming class does a huge community service
3 project. Those hours can go a really long way to
4 helping people get a fresh start with the courts.
5 So under this proposal, the community service would
6 still be done. Community service is like currency.
7 The hours of community service are fungible. The
8 community gets the same amount of benefit regardless
9 of who actually performs those hours. If my father
10 wanted to pay my speeding ticket fine, the Court
11 would not hesitate to take his money. I think
12 community service hours should be treated the same
13 way. In this case, not only will the community
14 where the infraction occurred benefit from the
15 service hours that are being done, but the people
16 who are also struggling to get by who are supposed
17 to be doing this community service are going to have
18 a faster and less costly path to getting right with
19 the Court and getting a fresh start. More over,
20 this proposal would be of no cost to the courts.
21 They would not have to administer anything, they
22 would receive the exact same kind of paperwork as
23 before, and the community groups, themselves, would
24 be responsible for figuring out how they wanted to
25 proceed and do this. Literally all the Court would

1 have to do would be to have a rule that would allow
2 the hours to go towards the, towards these cases.
3 The only risk would be that defendants would end up
4 having to do their own community service, which
5 would be the status quo.

6 So as you know, many people across the
7 region are concerned with how municipal courts have
8 affected the lives of the poor and people of color.
9 This proposal allows people from different parts of
10 the region to act on behalf of others, to not only
11 do community service, but to demonstrate that we
12 recognize that the system we've been maintaining is
13 unjust and has been adversely affecting people.
14 It's one discrete low cost way for people to
15 voluntarily transfer some of what they have to
16 others who have been disproportionately affected by
17 the court system.

18 MS. DRAGONETTE: My many is Christine
19 Dragonette, I'm the Director of Social Ministry at
20 St. Francis Xavier College Church on SLU's campus.
21 We provide a number of volunteer opportunities for
22 parishioners and SLU students, and our volunteers
23 would be happy to offer proof of their community
24 service on behalf of those assigned community
25 service for inability to pay. Our volunteers at the

1 church are people who do have the resources to pay
2 off their fines and would be in that position, so we
3 would enthusiastically participate in such
4 assistance to participate in efforts for racial
5 equity. Thank you.

6 HONORABLE BOOKER SHAW: Thank you.

7 David Leipholtz.

8 MR. LEIPHOLTZ: Good evening. My name
9 is David Liepholtz, I am the Director for Community
10 Based Studies with Better Together, and tonight I'd
11 like to address the need for consolidation of the
12 municipal court system in St. Louis County.

13 For well over a year, numerous studies
14 and reports have shed light on dysfunction
15 throughout the municipal court system in St. Louis
16 County. Stories of attorneys acting in the capacity
17 of judge, prosecutor and private attorney in the
18 same system have shaken the trust of the community.
19 Whether it's just citizens wrapped around
20 courthouses that attempt to be clear in some
21 instances nearly 500 cases in one night court
22 session became commonplace, and countless stories of
23 individuals being deprived of basic procedural
24 rights, and even jailed for inability to pay a
25 simple traffic fine came to light. In response,

1 we've seen the passage of Senate Bill 5. Lawsuits
2 brought by Arch City Defenders and the SLU Clinic
3 and others to bring the municipalities into
4 compliance. Similarly, we have seen an internal
5 effort in some courts to reform practices. These
6 are all positive and important steps, but they
7 require something that is still lacking, meaningful
8 oversight.

9 Missouri's current framework for
10 municipal court oversight provides administrative
11 power to a presiding judge in each of the 45
12 circuits. While this mechanism may be well and good
13 for the other circuits, in St. Louis County, because
14 of the fragmentation, it's rendered futile. To put
15 this in perspective, the Judicial Circuit in
16 Missouri contains on average eight to nine municipal
17 courts. St. Louis County Circuit contains 81. The
18 presiding judge of St. Louis County Circuit Courts
19 must, therefore, oversee nearly ten times the number
20 of courts as any other presiding judge in Missouri.

21 For further context, the second largest
22 municipal circuit is in Jackson County, which has 16
23 municipal courts. That's 65 less than in St. Louis
24 County. One of every five municipal courts in the
25 entire state of Missouri is in the circuit in St.

1 Louis County.

2 The establishment of a system of
3 full-time professional courts is critical. It will
4 provide a visible change to a system that lacks
5 legitimacy to many in the St. Louis region, and most
6 importantly, it will provide an appropriate
7 mechanism for oversight. I don't believe that any
8 of us are here tonight because a presiding judge in
9 St. Louis County is incapable of properly managing
10 courts. I do believe that we are here because the
11 current system in St. Louis County is incapable of
12 being managed by anyone. I firmly believe that the
13 consolidation of the St. Louis County municipal
14 court system is the most significant step that we
15 can take to ensure that we're all not back in this
16 room in two years having this very same discussion.

17 And those were the end of my prepared
18 remarks for tonight, but sitting here and noticing
19 the only two people that stood up for the current
20 system as it is are part of that system, those are
21 two people that will be once again overseeing these
22 courts, and they don't seem to think there's a
23 problem. So I think that emphasizes even further
24 the need for consolidation. Thank you.

25 MS. NORWOOD: Have you -- has your

1 organization looked into what, where that authority
2 to consolidate comes from for the Missouri Supreme
3 Court?

4 MR. LEIPHOLTZ: We, like everyone else,
5 feel that the Supreme Court has oversight over all
6 the courts and through the presiding judge of the
7 circuit.

8 MR. DeMARCE: If I could ask a
9 follow-up, as well. A number of people asked for
10 consolidation, reasons are, are valid, but the
11 people of St. Louis County originally created the
12 system of government that now exists, and I
13 understand historical circ -- historical
14 circumstances that led to it are different than
15 anywhere else in the state, almost anywhere else in
16 the nation. But they've retained that authority of
17 self-government now. And the question that keeps
18 troubling me is why should the reform come from the
19 top down? Why should it not come from the people,
20 themselves, the people who are here tonight fielding
21 candidates for city councils who run on a platform
22 of reform, who will undertake these things from the
23 local level and then initiate change according to
24 the ordinary processes of self-government? Why do
25 you believe it has to be imposed from people in

1 Jefferson City who don't know you?

2 MR. LEIPHOLTZ: Well, I would hope that
3 through the information here tonight and the other
4 hearings, that they will know. But I would also say
5 that this belief that there is a mandate in St.
6 Louis County to operate municipal courts the way
7 they are is just not true. There's 29 of the 90
8 municipalities in St. Louis County, but in the last
9 election the mayor was elected with less than a
10 hundred votes. So the reason every one is here
11 tonight is because they've given up on that system.
12 The people who live there have. And so they're
13 looking to you, they're looking to the Supreme Court
14 to fix it for us.

15 MR. DeMARCE: Okay.

16 MR. LEIPHOLTZ: Thank you.

17 HONORABLE BOOKER SHAW: We will next
18 hear from Tom Moore. Tom Moore.

19 MR. MOORE: Good evening. I apologize,
20 I have a little hearing difficulty. Thank you for
21 this opportunity, I am here to speak in support of
22 the proposal that community service ought to be
23 permitted to be donated in cases where such is the
24 sentence. I think it's already been documented
25 earlier by someone else, and I simply want to add my

1 support to that. I think that the situations can
2 present hardships for people who have jobs or child
3 care responsibilities, I think it's a good idea, and
4 I think it is directly parallel with the ability to
5 pay someone else's fine. Thank you very much.

6 HONORABLE BOOKER SHAW: Thank you,
7 Mr. Moore. Thomas Harvey.

8 MR. HARVEY: Thank you. My name is
9 Thomas Harvey, I'm the Executive Director and
10 co-founder of Arch City Defenders, we're a
11 non-profit that provides legal services to the
12 indigent in the St. Louis region. The primary focus
13 of our work since the founding in 2009 has been in
14 and around Municipal Courts. The impetus to do the
15 work has been because our clients seeking services
16 to get off the streets, meaning get into housing,
17 treatment, jobs, et cetera, has been -- they've been
18 unable to obtain those services as a result of
19 largely the way the municipal court system functions
20 in St. Louis County. The issuance of a warrant in
21 St. Louis County can lead to someone not being
22 eligible for housing, jobs, or treatment, in spite
23 of the fact that the Federal Government gives the
24 City of St. Louis \$10 million a year in order to
25 prevent and end homelessness, our municipal court

1 system, which raises \$53 million a year on the backs
2 of the same people seeking these, seeking these
3 resources, does not allow for it. So that's the
4 origin of the work that we've done, and since 2009
5 we've represented more than 3000 people who have had
6 a warrant for their arrest in the Municipal Courts.
7 We currently have over a thousand open cases, 85
8 percent of those cases involve people who have
9 continued to have warrants for their arrest in St.
10 Louis County for not, for not being able to pay a
11 traffic ticket stemming from their arrest they
12 believe is a result of racial profiling.

13 I've heard many of the proposals here
14 tonight, and I would -- I think they're excellent, I
15 think the law students from Washington University
16 have done a great job putting proposals before you
17 that would regulate the courts, but I think it's
18 important to remember, we already have many of these
19 regulations. There's a 339-page municipal court
20 bench book that is available to every judge in the
21 municipal courts, and it outlines virtually all of
22 the procedures that have been proposed. We have a
23 Supreme Court case, *Bearden v. Georgia*, which makes
24 it unconstitutional to jail people solely because
25 they're unable to afford pavement. All of these

1 practices have continued in spite of the fact that
2 judges are trained on that bench book, that
3 presumably they've gone to law school, so they've
4 read *Bearden v. Georgia*. These things have
5 continued for 50 years, as the *Missouri Law Review*
6 article by TE Lauer laid out, these problems are not
7 new in this region, and I think that it would be a
8 mistake to rely on the reissuance of a bench card,
9 or a letter explaining how to treat poor people
10 fairly and constitutionally. I think that it would
11 be a mistake to rely on the people that have been
12 operating these courts for the last 50 years and
13 expect them to change what they've been doing, when
14 in 2011, my co-founder and I traveled to Alabama to
15 meet with representatives from the Southern Poverty
16 Law Center, and we explained to them what we had
17 witnessed in the municipal courts. What they said
18 to us was: That's worse than Alabama. They said:
19 If you were to design a system whose end product was
20 to create and maintain poverty, the system you
21 described is what you would create.

22 We then traveled to Mississippi, met
23 with the Appleseed Group in Mississippi. They said:
24 That's worse than Mississippi. We went to Georgia,
25 met with the Southern Center For Human Rights. They

1 have their own issues with municipal courts very
2 similar to ours. They said: That's worse than
3 anything we've seen in Georgia. Across the nation,
4 we eventually were encouraged to write a paper about
5 this work by the Southern Center For Human Rights,
6 we did a court observation program and then
7 published a paper with our observations. The
8 editorial board of the New York times called and
9 said: What you have described is apartheid. You
10 may not call it in St. Louis County apartheid, but
11 what you have described in this paper is apartheid.
12 And he said: You don't reform apartheid, you
13 abolish it. And that's where we are as we're
14 talking about nibbling around the edges in reform
15 instead of getting rid of the system. The Supreme
16 Court has the authority to consolidate the courts,
17 as my colleague Steve Riles, a lawyer who's
18 practiced in these courts for the last 30 years,
19 said in response to the notion that the Supreme
20 Court couldn't do this because the concept of
21 self-governance, self-governance, the power of
22 self-governance does not contemplate the power to
23 systemically violate the constitutional rights of
24 poor people and black people in this region.

25 I urge the Committee to recommend the

1 municipalities be -- courts be consolidated. Thank
2 you very much.

3 HONORABLE BOOKER SHAW: We will next
4 here from Michael Jones.

5 MR. JONES: Good evening, my name is
6 Michael Jones, and I'm a practicing attorney in
7 Clayton, I've, I started out my career, I clerked
8 for the United States District Judge and I was
9 involved in a few other law firms after that, I've
10 been on my own since 2007, late 2007, and I'd like
11 to offer the, this group some practical problems in
12 being a, being an attorney in the courts. The
13 problems with people that are, that are defendants
14 are very acute. The municipal courts are broken,
15 but as an attorney, my job -- I'm not in the
16 judgment business. You know, I realize that these
17 people, you know, a lot of people have committed
18 violations, but, you know, once they come to me,
19 it's, and others like me, that demonstrates their
20 intent to resolve their issues, and their
21 seriousness to get rid, you know, to get rid of the
22 problems that they have.

23 So there are four primary problems that
24 I want to talk about. One is multiple roles. When
25 I talk to people, friends of mine, lawyers, you

1 know, around the country, they, when I tell them
2 about the way the municipal courts operate here,
3 they look at me like I've got horns coming out of my
4 head. The problem of somebody functioning as a
5 judge, a prosecutor, and a defendant in municipal
6 courts is real.

7 Imagine that you're the prosecutor in
8 Chesterfield, but you handle other municipal cases
9 in the county. Somebody appears in front of you
10 with a DWI case that he wants you to amend to
11 careless and imprudent driver. You might not be
12 inclined to do that, but the person appearing in
13 front of you is the prosecutor in Clayton and
14 Frontenac, and the judge in Ladue. If you don't
15 make the deal, it will be unlikely for you to get
16 deals you might want in those municipalities when
17 you're a defense lawyer. And this relates to what I
18 would call the circle of trust problem. There are
19 those people in this area who are in the circle of
20 trust. If you're a municipal judge, you're a
21 municipal prosecutor, I can tell you anecdotally
22 after practicing in these courts that you are
23 treated differently than somebody who is not and
24 just represents defendants. Because if they don't
25 give me a deal that I want, or we can't get a, we

1 can't agree, there are no consequences. I can't do,
2 I can't -- there's nothing I can do about it. But
3 there are things that, that can be done if they
4 don't give somebody a deal that they want if they
5 have to appear in front of that person as, in
6 another municipality.

7 So rule number one that should be
8 adopted: If you're either a judge or a prosecutor
9 of a municipality in a county, you may not represent
10 defendants charged with violations of ordinances in
11 that county.

12 Number two: No prosecuting and judging.
13 You're either one or the other. Why? Sometimes
14 things get contentious between prosecuting attorneys
15 and defense counsel. Many times they agree, many
16 times things are worked out, but sometimes it gets
17 difficult, and a defense lawyer shouldn't have to
18 worry that if he gets cross ways with a prosecutor
19 in one jurisdiction over a case, then, you know, the
20 prosecutor thinks it's a good case, you don't, you
21 want to certify it for a jury trial, you want to try
22 the case, well, now you need a warrant recalled from
23 that judge in another municipality, and he refuses
24 to deal with me, because, oh, you know what, look
25 what you did to me in that other case. It's a real

1 problem. So the second reason, no prosecuting, no
2 judging.

3 Third: If you're a state court
4 prosecuting attorney, you can't be a municipal
5 judge. That should be adopted as a rule for the
6 same reason that I just outlined.

7 The second thing I want to talk about is
8 warrants and bonds. Bonds are insanely high for
9 what are supposed to be civil infractions. I have
10 one case where a young woman had had warrants for
11 three minor traffic fines. We're talking about
12 speeding, no insurance, failure to register a motor
13 vehicle. The judge set the bond at a thousand
14 dollars per case, for a total of \$3000.00. Because
15 the jobs of judge and prosecutor are part-time, it
16 can be very difficult to represent these people and
17 get everything done. Some judges and prosecutors
18 will tell you that they take that literally, that
19 they won't even talk to you about a case unless it's
20 on a court night. So if they only meet once a
21 month, you know, you may have somebody trying to
22 languish in jail because they won't entertain any
23 arguments about whether or not they'll deal with
24 you. There needs to be some sort of limit of a
25 maximum bond that can be set per traffic stop, or

1 transaction, or occurrence to deal with it. In
2 state court you can get ahold of the prosecutor's
3 office and you can get to a judge right away, but if
4 you need to get ahold of the municipal judge and the
5 municipal prosecutor in a municipal case, you may be
6 looking at days on end before you can get those two
7 together, and they may not even agree to deal with
8 you at all. The attorneys who have clients need to
9 be able to get ahold of these people on some kind of
10 daily basis to get, you know, a warrant recalled or
11 a bond reduced.

12 Third thing is the uniformity of
13 procedure. The last thing I will talk about is
14 uniformity of procedure real quickly, it will last
15 for 15 seconds. 81 different municipal courts.
16 Some courts don't even, won't even recall the
17 warrant without a bond posting. Some require a
18 self-addressed stamped envelope, and they'll hold up
19 something because you don't have it. Former judges,
20 you know that it can be difficult to memorize the
21 Missouri Rules of Civil Procedure, it's almost
22 impossible to memorize all the rules of procedure
23 and practice to function and effectively represent
24 clients in the municipal courts. They need to be
25 consolidated, and people need to be treated better.

1 HONORABLE BOOKER SHAW: We'll next hear
2 from D. Dempsey.

3 We'll next here in Amanda Walker.

4 MS. WALKER: Hello. My name's Amanda
5 Walker, and I'm here tonight with my organization,
6 MORE, and I also represent the poor black working
7 class. I had, my experience, I'm -- I was born and
8 raised in St. Louis City, and one of the experiences
9 that I encountered is when I was working out in
10 Bridgeton, Missouri, and I stay in Pagedale. So I
11 went, St. Charles Rock Road is the strip I would
12 literally drive back and forth to work. I'm driving
13 through at least eight or nine, maybe ten
14 municipalities on this one strip. I got pulled over
15 by Normandy Police Department and I was issued a
16 ticket for a defective muffler on my way to work.
17 And then I was also pulled over by St. John. When I
18 explained to the police officer that I just received
19 a ticket for a defective muffler, that was pretty
20 much he wrote me a ticket because I was issued a
21 ticket. So I received two tickets from, for the
22 same thing, a defective muffler, from two different
23 municipalities.

24 It's, it's really hard, because it's
25 like I have to pay two tickets for two different

1 courts, and with that I have to pay court costs on
2 top of that, as well, so my ticket could be about 1,
3 \$200, so that's \$400.00 for the same thing, just
4 because I have to drive back and forth to work
5 throughout these municipalities. I think that
6 consolidate all municipalities would be a huge step
7 for St. Louis, I think it's something that needs to
8 be done. This is something that we deal with on a
9 daily basis with driving in the county, period,
10 because of all the municipalities. I hate having --
11 I hate the fact that I have to encounter situations
12 like this when driving around in my own city, I hate
13 having to be afraid to be pulled over by different
14 police officers in different municipalities just by
15 driving around in my city, period. I think the idea
16 is ludicrous that we have so many municipalities, I
17 don't understand why it couldn't just be St. Louis
18 City Police Department or County St. Louis Police
19 Department, period. I think that this is a problem
20 that citizens deal with on a daily basis. People
21 that can't afford to pay their tickets like me. I
22 get paid 7.25 for minimum wage, that's what the
23 minimum wage is in Missouri, so on top of the bills
24 and other obligations that we have, this is another
25 problem that we have to encounter, paying off

1 municipalities.

2 I just wanted to come testify so that
3 you can hear my story. I really hope that you guys
4 really think about this, because you are in a
5 position where you can make that change. I don't
6 think that our local government is too concerned
7 about reforming or consolidating all of the
8 municipalities. There's so many people driving,
9 there's so many people like me drive. We already
10 have problems and issues within our community, and
11 this is one of the major ones. We have an amnesty
12 where every, twice a year through Better Family Life
13 where the, all the municipalities that would like to
14 participate in amnesty, we come, we pay ten dollars,
15 and they give us a receipt saying that we have to
16 bring \$100.00, and they'll clear our warrants, you
17 know. Sometimes people are coming up there like me,
18 sometimes we're coming up there for like seven or
19 eight tickets, that's \$700.00 that we have to pay.
20 If we, if there isn't an amnesty, that's \$700.00
21 that we have to pay throughout these municipalities.
22 That's crazy. You know, they have the, they have
23 the amnesty that we do twice a year where they get
24 all the court systems together and say who's going
25 to participate in this and who's not going to

1 participate in it, but that's still asking us money,
2 that's still money that we're coming out of pocket,
3 that's still money that we're coming out of pocket
4 for. I think instead of just doing amnesty every
5 year, all the municipalities just need to get
6 together and consolidate.

7 That's my story, that's my testimony, I
8 really feel like it would be a great movement for
9 St. Louis if they consolidate. So yeah, please
10 consolidate the municipalities in St. Louis. Thank
11 you for your time.

12 HONORABLE BOOKER SHAW: Basmin Red Deer.

13 MS. RED DEER: Good evening. I
14 appreciate this opportunity to speak to members of
15 the Court. I'm a native St. Louisan, my father was
16 the first cardiologist of color to come to the city
17 of St. Louis in 1937, straight out of a hearing for
18 Homer G. Phillips. This afforded me an education
19 that occurred for elementary school in Clayton and
20 high school in Webster Groves. I was the first
21 woman of color to photograph NFL games in St. Louis.
22 So personally and professionally I've had access to
23 a number of communities and individuals who are of
24 privilege and set a number of the predisposition
25 policies that have been governing communities of

1 color in this area historically. For those of us
2 who have been impacted by the discriminatory and
3 racist policies that are in the state of Missouri,
4 it is not news and information to us. When we're
5 trying to speak to the, to the facts and the
6 information to those who endorse and support the
7 systems of apartheid, we grow weary of having to
8 come up with all types of statistics and facts in
9 order to approach or address their cognitive
10 dissidence that occurs when we try to address these
11 concerns, I believe a lot of information has been
12 given this evening, if you're in need of information
13 that, as far as my personal experience, I, I've
14 often experienced the conversations with not
15 recognizing myself as a person of color or who has
16 empathy or concerns about what is happening to
17 communities of color and those in disadvantaged
18 positions, I have been privy to the conversations
19 that seem to think that this is, this is an okay to
20 maintain the status quo, and we are somehow
21 dehumanized and not in need of being treated
22 equitably.

23 I was one of the citizens that went out
24 to Ferguson last year to participate in the protests
25 where the citizens were assaulted by tear gas and

1 googlized practices for exercising their
2 constitutional right to protest. As part of that, I
3 was coming from Well Spring Church on August 28th
4 last year, the minister advised us while we were
5 there for an MPR town hall that was occurring,
6 police were outside on the parking lot copying down
7 license plate numbers of the people who were
8 participating in the town hall in Ferguson. When I
9 was going from Ferguson through Velda City between
10 Natural Bridge and St. Charles Rock Road, I was
11 pulled over. An officer gave me three tickets, one
12 ticket was for not putting on a signal when he
13 pulled me over, another ticket alleged that I had no
14 taillights when I do have taillights. Another
15 ticket alleged that I had a defective equipment,
16 which was not stipulated on the ticket what that was
17 for. I told him at the time that I was having some
18 financial concerns, I was legally insured, I was --
19 my car had been inspected with a two-year sticker
20 that was on there from April of that year, and he,
21 he thought it was rather amusing that he was issuing
22 me these three tickets. When I came to Velda City
23 to the court, I found that it was overwhelmingly 95
24 percent people of color who were receiving all kinds
25 of citations for how their lawns were done, the

1 predatory practices that are well documented now who
2 the media locally and nationally through Arch City
3 Defenders. I pled not guilty, because I was not
4 guilty of anything that he charged me, with the
5 exception that, no, he pulled me over, and I didn't
6 put on a turn signal to be pulled over by the
7 police. I became active with Missourians Organizing
8 For Reform and Empowerment, and I have learned more
9 of the details about the discriminatory practices, I
10 am here in defense of consolidating the municipal
11 courts who must recognize now that these
12 municipalities were established to maintain white
13 privilege and discriminate against disadvantaged and
14 people of color, and we have reached a point in 2015
15 to have the judicial maturity to address and resolve
16 and restore trust for the citizens to be treated
17 equitably in the St. Louis, Missouri. Thank you.

18 HONORABLE BOOKER SHAW: Donald Beimdiek.

19 MR. BEIMDIEK: Thank you. I come this
20 evening in admiration for our Supreme Court and for
21 your volunteering, I assume you're volunteering to
22 solve a problem that is perhaps unique in St. Louis
23 County, because of the large number of
24 municipalities. One of the earlier speakers spoke
25 about 81 municipalities, all of which have the

1 powers to create courts. But there is a system in
2 place. All of the municipal courts in St. Louis
3 County are a part of the St. Louis County Circuit
4 Court. The St. Louis County Circuit Court has a
5 number of divisions, but they have administrators
6 for special work that the courts do. There's a
7 judicial administrator, a director of judicial
8 administration, there's the circuit clerk, there's
9 the family court administrator, there's the
10 treatment court administrator, and the family drug
11 court administrator. I think what the St. Louis
12 County Circuit Court needs to be told to do by our
13 Supreme Court is to create a municipal court
14 administrator, because all of the municipal courts
15 are part of the St. Louis County judicial system.
16 The judges who sit in the municipal courts have
17 varying degrees of experience and qualifications,
18 some are appointed, some are elected, I -- my
19 experience in this area is that I started out as a
20 divisional judge when I was a young lawyer to sit
21 when the regular judge was unable to sit. Then I
22 got appointed to be the prosecutor, and the judge
23 that I prosecuted with required the clerk to put a
24 copy of the Missouri Bar Association pamphlet on
25 Your Rights as a Defendant on each seat in the

1 courtroom before court would start, so every person
2 that came into that court would be able to read what
3 their rights were. And I don't know that that
4 practice is followed in many municipal courts.

5 I think the best thing that this, this
6 Commission can do is to have the Court tell the St.
7 Louis County Circuit Court that you have the
8 responsibility for organizing the courts, have
9 instructions for judges, have uniformity of
10 procedure, proceedings, because we, the disparity,
11 the punishment and disparity of prosecution has
12 created a lack of respect for the municipal court,
13 it's embarrassing, it's embarrassing to me, I, I
14 said I was, started as a judge, and I was a
15 prosecutor, then I was a for pay lawyer, and I
16 learned how to do things at the court such as you
17 plead guilty to a, to a muffler violation to get a
18 speeding violation off of your traffic record. Now
19 I only represent poor people in housing courts who
20 are desperate that they can't comply, and instead of
21 using their money to fix their homes, they're
22 prosecuted and fined, and I don't know how to solve
23 that problem for them other than to make sure that
24 they get a fair, fair hearing.

25 I think the best thing that this

1 Commission can do is to encourage our existing
2 supervisory responsibility for the St. Louis County
3 Circuit Court Municipal Division to be activated,
4 and they actually should be the ones sitting here
5 listening to the people complaining about the
6 municipal court experiences. Thank you.

7 HONORABLE BOOKER SHAW: Kathleen
8 O'Keefe.

9 MS. O'KEEFE: Good evening. I'm glad
10 you're holding this proceeding. I am a retired
11 lawyer, I spent my law career at, doing basically
12 legal aid work in East St. Louis, Illinois, and I
13 came in contact with the municipal court system both
14 in Illinois and in Missouri, because I taught
15 school, I taught one class in an alternative school,
16 Vincent Gray Academy. Law was the class, but I tell
17 you, all my students, most of them, they all had
18 warrants, and finally, that was the first question I
19 would ask each, each semester was: Okay, who's got
20 a warrant? And some of them just didn't drive
21 anywhere, they would, you know, they thought they
22 could get by if they just sat in the car, I mean
23 they weren't driving, others had to drive, you know,
24 they had kids, they had work and a job, but they had
25 these huge fines, and this is not only -- well, I'm

1 going to start -- talk just a little bit about
2 Illinois, because there's a big difference that I'd
3 like to point out.

4 So I got in the warrant quashing
5 business. And, you know, the things that people,
6 the, you know, a lot of people couldn't get public
7 housing, they couldn't get government jobs, they
8 couldn't get jobs that said -- you know, you had to
9 have a good record, and, and they couldn't get any
10 job training programs either. And they basically
11 were looking over their shoulders and just waiting
12 for the ax to fall.

13 In Illinois, to escape getting a
14 conviction and points on your record, or, you know,
15 so it shows up on your insurance, you have to
16 basically just plead guilty -- I mean unless you
17 want a trial -- plead guilty, then the prosecutor
18 gives you, gives you a fine, then you have a period
19 of court supervision, maybe six months, maybe a
20 year, and that's not really supervision, that's
21 just, you'd better not get another ticket during
22 that, you know, period, or it will show up on your,
23 on your record. And when that's over, the charge is
24 dismissed. So you come out, I mean you -- and you
25 don't have a conviction and you're not going to have

1 to pay so much for insurance.

2 Now the fines that you find in Illinois,
3 it's not perfect, but people in Illinois have the
4 right not to have a lawyer. Because you can, you
5 don't have to have a lawyer to work out that deal.
6 In Missouri, you have to have a lawyer to, you know,
7 the recommendation, you know, to change the charge
8 to illegal parking from speeding, you know, 50 miles
9 over an hour, and I mean that's, I mean it's just,
10 it really is a self-perpetuating system, and I
11 really appreciate the people who have spoken before
12 me, because they say it much better than me, but,
13 you know, you have to hire a lawyer in Missouri, and
14 if you just go in by yourself, like me, I'm retired,
15 if I went in by myself, probably the same thing, I
16 couldn't get a deal, I don't know. And now I only
17 saw municipal courts in Missouri, and, well, I saw
18 the City of St. Louis, Clayton, Ladue, Webster
19 Groves and Pine Lawn, and what is it about Pine
20 Lawn? That is the -- that was a horrible place.
21 There were hundreds of people lined up along the
22 street at night. You know, people had their kids,
23 then they had the cops strolling along like with
24 their batons or whatever, you know, and just, I mean
25 it was so intimidating, and then once you got in the

1 place, it was this tiny little place, and you're
2 just herded in like cattle, and I didn't, at this
3 point I didn't know that I could go, you know,
4 because I was a lawyer, because I was with my
5 client, I didn't know like you could go up there in
6 municipal court, I thought you just had to, you
7 know, take your turn, I found out differently later,
8 because there aren't very many lawyers, but there
9 sure are a lot of people who don't have lawyers, and
10 it takes forever, and it's really creepy, and the
11 fines were outrageous, 300 bucks, sometimes there's
12 a little stretch on the highway where double the
13 fine or triple it, you know, like I, I don't -- I
14 forgot what they call it, but it's like a special
15 zone, and I mean it's, you know, and it's in some
16 little, Bel-nor, you know, I don't know, I don't
17 know the places, and I have to say I haven't been to
18 very many, but I wish the municipal judge was here,
19 because he was saying, we were talking about, you
20 know, North St. Louis County, uh-uh. I mean,
21 granted, that they were a lot more civilized down
22 at, you know, in Webster and Ladue, but it was the
23 same deal. I mean, you know, you still got screwed
24 if you didn't have a lawyer and you didn't have
25 money. And it's just, it's just so unfair that --

1 and -- okay. Well, I'm sorry I couldn't finish,
2 okay, but thank you.

3 HONORABLE BOOKER SHAW: Thank you.

4 Next we will hear from Carolyn Ban.

5 MS. BAN: Good evening, everyone, my
6 name is Carolyn Ban, I work for the Beyond Housing,
7 we're not-for-profit. In addition to providing
8 regional services, foreclosure counseling and other
9 things, we also have a placement initiative in the
10 Normandy School District geography where we are
11 convening an initiative to help strengthen
12 education, economic development, jobs, housing and a
13 lot of other aspects of a build environment, and we
14 understand how important that is to shaping and
15 impacting someone's life.

16 The reason I'm here today is I want to
17 tell you a little bit about an initiative that we're
18 working on with several municipalities in North
19 County around exploring a consolidated court. And I
20 want to explain that not to defend the status quo,
21 not to say that any of the stories or issues that we
22 heard tonight aren't real, because they're real, and
23 they're wrong, but because I want to put another
24 perspective out there and see if there are other
25 ways to encourage creative solutions to local

1 problems that you see. So as I mentioned, we have
2 municipalities working, and I would say a lot of
3 these municipalities know that their world is
4 changing. They see that, they've seen Senate Bill
5 5, they've seen reforms, a lot of good things,
6 right? There were, you know, abuses of the people
7 sitting in jail that never should have been sitting
8 in jail, all right? And we need to stop that.

9 What the goal of this group that's
10 working together is, one, first and foremost,
11 justice, better services, and also kind of
12 efficiencies. And so one of the things that this
13 group is kind of advocating for, one of the reasons
14 that they want a balance of both better, efficient
15 government with better services for those that come
16 through their courts, is also a balance with some
17 self-determination. And the reason for that is a
18 few of them have told me I really want to control
19 the tone and tenor of my courtroom. I want to make
20 sure that the judge, even if I don't choose the
21 judge, the characteristics of the judge sitting
22 before me in my courtroom looks like and can relate
23 to the folks that are coming through my court. So I
24 want a little bit of input in who that judge might
25 be.

1 The other thing is we're working on a
2 community service program for these municipalities
3 that, you know, there's been a lot of talk about
4 code enforcement violations. So what this would be
5 is a closed group community service program where
6 you have housing code violations, and those
7 violations would actually be part of the community
8 service options that folks can participate in, so
9 that you're not only doing some restorative justice
10 making the community whole, but you're also taking
11 away these tickets, right, that the people are
12 getting for code violations, because that is being
13 taken care of through a community service program.
14 And I know that, you know, some of the bigger courts
15 I'm aware of, and I'm not trying to call anyone out,
16 but St. Louis County you actually have to pay for
17 your community service program. And it's kind of a
18 scattered approach, you know, you go over here, go
19 over here, what we're trying to do is kind of really
20 create a community system, a community solution that
21 really works for these communities.

22 So what I would just ask is, again, one
23 of the things that we have been learning as we go
24 through this is some of the logistics of this are
25 very complicated when you're talking about

1 consolidation, there are nine approved software
2 systems in the state of Missouri right now, so one
3 of the things that we're working on is getting all
4 of our municipalities to be on the same software
5 system if that's what they want to do. And again,
6 they're exploring that, we're talking to OSCA about
7 that, they're willing to help those cities. Again,
8 a lot of what we do is with the coalition of the
9 willing. So those folks that are willing to work
10 alongside, we want to help them, help them do that.

11 Another thing that we're running into is
12 in states like New Jersey, it allows for a couple
13 different ways for a court, joint court and
14 consolidations to happen. You have shared courts,
15 which I think there's like 80 shared courts in New
16 Jersey, and then joint courts, and there's 20 of
17 those. So in New Jersey, in addition to having kind
18 of a lead entity, whether that be a city, or the
19 county, or the Supreme Court, run those courts, be
20 kind of oversighting entity, they also have an
21 option for a commission. And a commission is made
22 up of those local entities that still have oversight
23 from the State, but there's a little bit more of
24 local control that allows them to control, you know,
25 have a little bit of input, they don't necessarily

1 choose, choose the judge, but they can say these are
2 the values that we have in the courtroom, and this
3 is kind of how we want to run our community service
4 program, so passing something like that would be
5 helpful.

6 So I just ask in closing that we'd love
7 to sit down and talk with you more about kind of
8 what we're doing, what we're facing as we go through
9 these steps. We think this could be a pilot
10 program, and we'd like to meet with you on it.

11 MR. DeMARCE: One follow-up question, if
12 I may. Something you said troubled me a great deal,
13 you said people have to pay to participate in
14 community service? Which jurisdictions are doing
15 that?

16 MS. BAN: And I hope I'm speaking
17 correctly, and if I'm not, but I heard that, because
18 we were looking, just exploring again, maybe my
19 impression is not a hundred percent accurate, when
20 we were exploring how municipalities could do
21 community service programs, one of the things we
22 found was that in St. Louis County, you have to pay
23 I think it's \$40.00 or something in order to do
24 community service, and then you basically pick where
25 you do it. Now I could be wrong, and I don't want

1 to, I know this is probably not fair, and I'm not
2 trying to throw anybody necessarily under the bus,
3 but that's what I've heard; if that is the case, if
4 that is true, that is concerning to us, as well, and
5 we want to --

6 MR. DeMARCE: Well, one of the reforms
7 of Senate Bill 5 was that municipalities are
8 supposed to certify annually that they are not
9 collecting any unauthorized fees. That would be
10 one, and that may be an issue we need to follow up.
11 Thank you.

12 HONORABLE BOOKER SHAW: Okay, next we'll
13 hear from Lillian Eunice.

14 MS. EUNICE: Good evening. I am Lillian
15 Eunice, and I guess I'll just simply start by saying
16 that I represent many of the people that, who you're
17 trying to protect, and we applaud that effort. We
18 definitely want justice.

19 I want to let you know that I am a city
20 administrator in a municipality in North County, one
21 that is adjacent to the Ferguson area. I obviously
22 am a senior citizen, and an African American woman.
23 There are many things that we have experienced in
24 North County that a lot of people would say are
25 anomalous with regard to the court system. But I

1 see it on a day-to-day basis, and I see it on the
2 first and the third Wednesday when people come to
3 court. What I would like to do, though, is to ask
4 the Court to please take serious note of the fact
5 that the local level does have not only
6 responsibility, but they should put in place things
7 that will protect the citizens in communities where
8 they live. I'm asking that the Court consider not
9 consolidating all of the court systems, but instead,
10 putting in place those mandates that make sure that
11 the various courts in incorporated municipalities
12 take an opportunity to take advantage of the
13 resources available for them and set some standards.
14 We think that those standards that would be -- if
15 you set one set of standards and the Court not have
16 an overreaching federal kind of system, we still
17 have an opportunity for our municipalities to work
18 together. I know five to ten to twenty of the
19 municipalities right now in North County are in the
20 process of really taking advantage of economies of
21 scale, trying to make courts more efficient. We
22 definitely believe in good governance, and that is
23 the purpose why we have come together as
24 municipalities of varying backgrounds, with varying
25 kinds of issues, to make sure that our courts are

1 serving people well. We can do this if we work
2 together. In our area we have proven we can work
3 together. We would like to talk to you more about
4 that. But one of the things that I would say is
5 this: That we are, especially in the North County
6 communities, particularly in the Normandy footprint,
7 in the Normandy School District footprint, the 24
8 municipalities, we know that there are a lot of
9 things to do, we, that have to be done. We're not
10 trying to continue with the status quo and hurt our
11 residents, particularly when we look at things like,
12 for example, code enforcement. We have a lot of
13 senior citizens, they are very concerned about the
14 fact that homes that are next door to theirs have
15 adversely affected the property, their property
16 values, and in each community there are different
17 issues with regard to code enforcement. We don't
18 want to take advantage of anyone, we don't want to
19 hurt anyone, but we think that if we have a chance
20 to work together on the local level, that we can
21 make sure that residents of each of those
22 municipalities is treated fairly and equitably. But
23 the bottom line is, if you have to make some broader
24 kinds of standards and put them in place, we want
25 those standards, we believe in making sure that

1 everybody is working on the same plan. But local
2 sovereignty, local management of government will not
3 only help the municipalities here in St. Louis
4 County, but St. Louis County overall. Thank you.

5 HONORABLE BOOKER SHAW: Thank you.
6 James Carroll.

7 MR. CARROLL: Good evening, my name is
8 James Carroll, and I'm a resident of Bellefontaine
9 Neighbors, and my experience with the municipal
10 court and the judge there began in July of 2014 when
11 I was given two warnings regarding alleged ordinance
12 violations. As I did not believe that I violated
13 the ordinances, I decided to wait to see if I would
14 receive a citation and take the issue up in the
15 municipal court in Bellefontaine Neighbors. About a
16 month later I received a citation and was given a
17 court date in October of 2014 -- or for October,
18 2014. During this time period, I made several
19 attempts to get a copy of the, of my court file and
20 a copy of the prosecutor's signed information to see
21 what I was actually being charged with. I was told
22 I could not get a copy of the court file, as there
23 was not one. I was given several different reasons
24 as I was -- why I could not obtain a copy of the
25 prosecutor's signed information. It was only after

1 my initial court appearance and on my fourth attempt
2 that I was able to obtain this copy. I had to take
3 a copy of the Missouri Supreme Court Rules and point
4 out to the court clerk of Bellefontaine Neighbors
5 Municipal Court before they would give me a copy.

6 I made my initial appearance in court
7 and pled not guilty and was given a court date.
8 During this period I made a request from the court
9 clerk of Bellefontaine Neighbors Municipal Court to
10 issue -- issue me subpoenas in order for me to
11 prepare for my trial. The Court refused to grant my
12 request and informed me that I needed to do this. I
13 filed several motions prior to my trial, a motion to
14 dismiss and a motion -- an amended motion to
15 dismiss, a motion for continuance, and another
16 motion for continuance, with the reason being I was
17 not issued subpoenas.

18 My trial was held December, 2014. At my
19 trial I brought up that I had filed several motions,
20 and asked if these motions would be heard. The
21 judge heard one of my motions, which was my amended
22 motion to dismiss, and did not hear any of my other
23 motions. During this hearing, the judge was acting
24 more like a prosecutor and directly questioned me
25 regarding the points I made in my, in my motion. In

1 fact, the prosecutor never had to say anything, I
2 mean it was -- to me it was very obvious that, it
3 seemed to me the judge was more like the prosecutor.

4 When my trial was held, I was instructed
5 to be present for the trial at 1 p.m. The witnesses
6 for the City were summoned and informed to be
7 present at 1 p.m., as well. I never saw either
8 witness until my trial was held, which was about
9 3:00, I believe. During one of the breaks around
10 2:30 I would say, I heard another officer present in
11 the courtroom call the police dispatcher to inform
12 him or her to call the officer who was the witness
13 for the City, and to inform him that he was needed
14 in court. I really do not believe that this would
15 be considered a fair practice, I certainly was not
16 given a call and informed to show up in court, and I
17 had to wait there for two hours before my actual
18 trial.

19 I was found guilty and given a suspended
20 imposition of sentence. Additionally, during my
21 appearance in court, I observed the judge of the
22 municipal court there making statements that I do
23 not consider to show impartiality of the court. On
24 two occasions he made the statement that: As long
25 as he is happy, I am happy. The "he" that the judge

1 was referring to was the city building inspector,
2 and the building inspector was present, because he
3 was a witness for the city in cases he had cited
4 residents for.

5 During my experience, I wrote a letter
6 to the presiding judge of the 21st Circuit Court and
7 received a response back stating basically that she
8 did not have the authority to intervene. She
9 basically said: The circuit court cannot get
10 involved in legal cases until and unless it is
11 properly brought to the Court by proper legal
12 pleading. I'm sorry I cannot further help you in
13 this matter.

14 I then filed a complaint with the
15 Commission on Retirement, Removal and Discipline
16 regarding the judge's conduct. I was informed by
17 the commission that they cannot act, because my
18 allegations were appealable, which is somewhat
19 confusing, because I was given a suspended
20 imposition and could not appeal. I had to file a
21 Writ of Prohibition in the 21st Circuit Court, which
22 granted me my preliminary grant. About five months
23 into the process, the judge vacated my sentence and
24 ordered a new trial with the Municipal Court of
25 Bellefontaine. This did not seem to be an

1 acceptable solution to me. So a month later the
2 prosecuting attorney for the City of Bellefontaine
3 Neighbors declined to contact me. Between 2014,
4 which was my trial, and July of 2014 when we were in
5 case management conferences at the circuit court,
6 nothing really had changed regarding my, my case.

7 HONORABLE BOOKER SHAW: Excuse me,
8 Mr. Carroll, but your time is expired, you have to
9 wrap up now. If you have further testimony, you can
10 submit it to us in writing.

11 MR. CARROLL: Sure. And I've written to
12 the, to the Supreme Court, I was told basically by
13 the commission that they couldn't do anything, I
14 read the Supreme Court basically said that they told
15 me to get back with the presiding judge of the
16 circuit court or the Commission on Retirement. I, I
17 really truly believe that not only does there need
18 to be consolidation, but there also needs to be some
19 sort of accountability or supervision of the
20 municipal court for judges that are being held
21 today. Thank you.

22 HONORABLE BOOKER SHAW: Thank you,
23 Mr. Carroll. We will next hear from Linda
24 LaFerriere.

25 MS. LaFERRIERE: Wow. When I appeared

1 at Berkeley Municipal Court, I was not allowed to
2 come this far. I was only allowed to say guilty or
3 not guilty. I wasn't given any kind of explanation
4 about how procedures went in their court, I had no
5 idea what I was doing, I certainly didn't know
6 whether I should say guilty or not guilty. I was
7 there to defend myself, because I had received a
8 speeding ticket with an add-on charge. When I got
9 home I found out that the failure to wear a seat
10 belt check box was checked. The officer never told
11 me that he was ticketing me for that in addition to
12 speeding, I went to court to defend myself. Guilty,
13 or not guilty. That's what I was told I could say.
14 What's a person to do? This is not my area of
15 expertise, I felt like, definitely like a head of
16 cattle, prodded along.

17 I have the means to hire an attorney to
18 represent me and to take care of myself, but other
19 people don't. And I won't sit by when other people
20 are treated the way I was treated. That was my
21 opportunity to observe the way things work here, and
22 I was very upset about what I observed. That was
23 ten years ago, and I have waited ten years for
24 somebody to listen to me. For somebody to listen to
25 how things operate here in St. Louis County. I

1 don't look like an elephant, but I have the memory
2 of an elephant, and I stand before you very grateful
3 for the opportunity to speak about this. There
4 comes a time when a system is so corrupt that it
5 can't be repaired from the bottom. When the
6 Department of Justice must step in and fix it from
7 the top, like they did with Ferguson. That's what's
8 happening here.

9 HONORABLE BOOKER SHAW: We will next
10 here from Paul Seiter.

11 MR. SEITER: Hello. My name is Glen
12 Paul Seiter, I just found out, found out about this
13 meeting a few days ago by a fluke. I don't know how
14 much it was publicly announced or anything, but I
15 find a lot with our system in general that a lot of
16 these types of meetings, there's not a lot of
17 announcement that's got out to a lot of people, I
18 expected a lot more people than this myself, but I
19 think a lot of people just didn't find out about it.

20 I have just a few brief things I'd like
21 to say, I didn't have a lot of time to prepare. I
22 do believe that it's incorrect that judges and
23 prosecutors are able to fill multiple positions in
24 different municipalities, I don't think that's
25 correct for many of the good reasons that were

1 stated by other people earlier tonight. I believe
2 that most likely the best solution for correcting
3 the problems that have been stated here tonight is
4 probably to be, to consolidate the municipalities.
5 If there were some way, as this lady a couple ladies
6 back, spoke and said if there was some way you could
7 set down some real rules and then actually make them
8 follow the rules, that may work. Someone would have
9 to be overseeing that, though, because obviously
10 it's not happening. I believe that the setting of
11 bonds should be much more based on what a person
12 earns and what they're able to come up with
13 reasonably rather than just some ridiculous amount.

14 And as far as incarcerations, I believe
15 that for many, many offenses, that there, the, the
16 incarceration times are much longer than what is
17 necessary to get the point across to people; and
18 especially for first time offenders, I believe that
19 they're definitely too long, I don't believe there
20 should be mandatory minimums for incarceration
21 either.

22 I had a situation about five years ago,
23 this is, has to do with municipalities, I live in
24 Affton, and I, even though I had given my new
25 address to the Department of Motor Vehicles, I did

1 not receive my notice for my renewal of my
2 registration on my vehicle, and my vehicle was
3 probably out of, out of date maybe a week, week and
4 a half, and I hadn't noticed the tags. I got to the
5 local and was given a ticket in Marlborough, and,
6 and so I had to go to court, I had to stand in one
7 of these lines outside like people have spoke about
8 tonight. It was a long line, and when I got in
9 there I was not able to say anything about what my
10 situation was, it was just a guilty or not guilty,
11 and I was given a \$100.00 fine for that, and I think
12 what would be better is to say, okay, you're going
13 to pay a fine if you don't bring your car in
14 registered in two weeks, 30 days, and have a person
15 spend that hundred dollars registering their
16 vehicle. Or this lady that spoke earlier tonight
17 about receiving two tickets in two different
18 municipalities? That should be illegal. Once you
19 receive one ticket in a municipality -- especially
20 on the same day or in the same month. Once you
21 receive one ticket, that should be it. There
22 shouldn't be multiple tickets for things, that type
23 of a thing, and I think she said she had problems
24 with her muffler, and the same thing goes with that,
25 I think that it would be better that they would say:

1 Okay, here's your ticket, you need to bring your,
2 your vehicle in with your muffler fixed to a police,
3 local police station, show them that your muffler is
4 fixed, let them listen to your vehicle, the police
5 officer can sign off on it, and she can submit that
6 ticket showing that it's been corrected. Then her
7 money can be used for something useful instead of
8 just going to fines.

9 That's really all I have to say tonight.
10 Thank you very much.

11 HONORABLE BOOKER SHAW: Thank you. I
12 believe this is Jeff Ordower.

13 MR. ORDOWER: Good evening, thank you
14 for holding this panel. I grew up in West County,
15 and I live in St. Louis city. I want to respond to
16 a couple things that were said earlier, first by
17 Ms. Ban of Beyond Housing. What they're talking
18 about is an opt-in system for municipal courts in
19 some municipalities, and I would think that justice
20 should be administered in a uniform fashion and not
21 based on whether certain towns choose to opt into
22 justice or not.

23 Second, I'd likely to respond to
24 Professor Amman, I see he just walked out, but about
25 the role of police in the courtroom and the

1 multitude of roles that they fill. And another
2 interesting role that they fill, I was in court in
3 Velda City recently, is that of translators. So
4 there was a monolingual Spanish speaker there, and
5 this is a reformed court, this is a court that's
6 purported to be a municipal reformed court. The
7 chief of police was the translator for the
8 monolingual Spanish speaking defendant. Now I'm not
9 going to comment on his Spanish and how, what it
10 was, but also I just cannot imagine how terrifying
11 that is, to have the police translating what the
12 judge is telling you.

13 And then the third person I want to
14 respond to is Ms. Red Deer about her comments about
15 white privilege and class privilege. And so I want
16 to tell a story from the other side. One of my best
17 friend from high school, I won't say what high
18 school, is a lawyer who's been, who is very active
19 in the Bar Association of Metropolitan St. Louis and
20 knows a lot of people. And he got a ticket in
21 Maplewood. And he said: Oh, you know, I don't
22 know, the kids were sick, or there was Little
23 League, or something came up and I forgot show up in
24 court, and I was going to get a failure to appear
25 charge, and I didn't know what to do about it. But

1 you know what? I know Judge Dunlap, because not
2 only are we all active in the Bar Association
3 together, but also because he's an attorney in
4 private practice, they'd been, they'd been able to
5 be on cases together, and they've known each other
6 through legal circuits, because this is not a
7 full-time judge. So he gave Judge Dunlap a call,
8 ticket fixed, no problem. And that's what it's like
9 for those of us who have some kind of class
10 privilege and are on the other side. Thank you very
11 much.

12 HONORABLE BOOKER SHAW: All right, next
13 we will hear from Dawuk or David Husain.

14 MR. HUSAIN: Good evening. Everybody
15 hear me all right?

16 HONORABLE BOOKER SHAW: Yes.

17 MR. HUSAIN: All right. I'd like to
18 read something from the Tenth Edition of the Blacks
19 Law Dictionary. It's a word called extort. It's
20 say in this definition, it says: To gain by
21 wrongful methods, and it's a colon there, and it
22 says further: To obtain in an unlawful manner. Now
23 to me that means that extortion is gaining things by
24 an unlawful manner. Plain and simple. That's what
25 the municipal courts project to me, and I, my

1 father, both were -- are veterans of the wars, my
2 father was a veteran of the Korean War, and he swore
3 an oath, just like a lot of us did, to the uphold
4 the Constitution and all the unalienable rights that
5 we have that the Constitution support, I did it in
6 the Vietnam era war, and we went overseas to fight
7 people that did not infringe on our constitutional
8 rights, but since I've been here, and I'll be 64
9 next month, I've been fighting ever since people
10 right here in the United States infringing on our
11 constitutional rights. The municipal courts does
12 not use constitutional rights. We need to get back
13 to constitutional rights, we do not need to be
14 extorted by the municipal courts. Thank you.

15 HONORABLE BOOKER SHAW: Okay, we'll next
16 here from Jeff Chapple.

17 MR. CHAPPLE: Good evening, my name's
18 Jeff Chapple, I'm actually here representing
19 Missouri Association of the Court Administration. A
20 little different perspective, because I know you
21 guys are actually here for a statewide issue. So I
22 know there's only three hearings throughout the
23 whole state, you have one in Springfield, one here,
24 and one in Kansas City. So as a representative of
25 an association of over 400 members, it's difficult

1 to only attend those three sessions. So I'd like to
2 look at it in a little different perspective.

3 When you say consolidation, it sounds
4 great when you have a county that's only 25 miles
5 wide, but when you're in a county four counties over
6 and you try to consolidate for some small rural
7 towns, and you now have to travel 50 to 75 miles
8 because that consolidated spot is in the upper
9 left-hand corner of that county, it makes it very
10 difficult for the defendants to actually reach those
11 municipal courts. And so it would not be fair to do
12 it in just one county, you need to unify and put
13 your justice throughout the whole state. So to do
14 it in St. Louis County seems more reasonable when
15 you have 80 something, but when you're over in
16 Jefferson County, Lincoln County, Clay County, all
17 over the other counties -- I could be here for hours
18 listing the counties -- it becomes a challenge.
19 Especially when you have a municipality that is on
20 two different counties. I mean even Foristell,
21 which obviously has its own issues, is on two
22 different counties. They're in St. Charles County
23 and another county, Warren County, I believe. So
24 when you consolidate, you run into those issues.

25 I will not stand up here and say as a

1 representative of the court administrators, to work
2 harder, but I can tell you that in ten years --
3 actually, I've been doing it for 13 now -- in over
4 ten years we've never had any training from the
5 judicial system. We've never had funds allocated
6 for our judicial training. We had to have our own
7 association form back in 1982 to develop training
8 for our members which are court administrators. It
9 wasn't until the last two years -- or actually the
10 last two months that we've gotten the Office of
11 State Court Administration to work with our
12 association to develop some more training. But I
13 can tell you the state funding went dry for
14 municipal courts over seven years ago and has never
15 offered one training for municipal courts. So it's
16 very difficult to offer and hold the courts
17 accountable for uniformity when there's no uniform
18 training. If I worked in a state court, or a
19 circuit court, I'd have annual trainings paid for
20 for myself and my staff. I don't -- we don't have
21 that option in municipal court, because judicial
22 branch hasn't extended that through, down through
23 the municipal level. So that's where it needs to
24 start is to be more unified and offer some training.
25 Let me look at few other notes.

1 Consolidation. If you go to
2 consolidation and you go to a circuit court, a
3 circuit court fee, just court costs alone here in
4 St. Louis County are over 90 some dollars. The
5 municipal court cost is 24.50. So if you don't want
6 to impose on the backs of the defendants, you're
7 going to triple their court costs by going to a
8 state court.

9 MR. DeMARCE: All right, sir, I've got
10 to stop you there.

11 MR. CHAPPLE: Uh-huh.

12 MR. DeMARCE: Because in my court, the
13 city, the city that I serve has chosen, as all
14 cities under 400,000 have the option to do under our
15 Constitution, to refer the cases to be heard in the
16 circuit court by an associate circuit judge. We
17 still charge municipal defendants the municipal
18 court costs. That is the law, and that is what all
19 courts are required to do; your conclusion is not
20 correct.

21 MR. CHAPPLE: But if you consolidate
22 them, who's going to control that? That's the
23 question.

24 MR. DeMARCE: The state courts are not
25 permitted to collect unauthorized fees any more than

1 municipal.

2 MR. CHAPPLE: So my other issue is that
3 the -- the gavel went, so my time is almost up.
4 Everyone, obviously Senate Bill 5 has lives changed
5 on your incarceration and your warrants and your
6 traffic. You get pulled over -- if I get stopped by
7 a highway patrol and I don't show up for my court
8 ticket, it's still going to end up in a warrant, so
9 minor traffic still can get a warrant. So the
10 perception of the education needs to be brought to
11 light, and that's what comes to my other
12 opportunity, to bring you solutions, and that's what
13 you want. If you can allow the municipal courts to
14 collect that automated the fee, \$7.00 automation
15 fee, that could then allow both municipal -- every
16 municipal court have a uniform -- real quick, have a
17 uniform website and a uniform opportunity to give
18 the rights and the rules to everyone, but without an
19 automation fee, your small, even Macon, Missouri, or
20 some of your small towns can't afford to have that
21 website. But if they can get that automation fee,
22 they can all get websites to educate the people. So
23 that's the solution.

24 HONORABLE BOOKER SHAW: Thank you, sir.
25 Okay, Robert, is it Robert Rope? Robert Piope?

1 MR. PIEPER: My name is Rob Pieper, I'm
2 from Richmond Heights, I appreciate the opportunity
3 to speak to you this evening. I would like to ask
4 the Commission not to recommend consolidation of the
5 St. Louis County Municipal Courts, and I would like
6 to further ask that the Commission not recommend any
7 action that would have the effect of inhibiting St.
8 Louis County residents from maintaining their
9 municipalities as they wish. Over recent months,
10 the court reform, at least here in St. Louis, has
11 been usurped by some very powerful business and
12 political interests that have the ulterior motive of
13 promoting a merger of St. Louis and St. Louis
14 County, and may not really be all that interested in
15 social justice. Specifically, the City of St.
16 Louis, as you may or may not be aware, is 2 billion
17 dollars in debt, there's a concerted movement to
18 merge the city with generally fiscally responsible
19 St. Louis County, the County has no interest in
20 this, so there have been many published statements
21 where the promerger forces have said: Well, we're
22 going to take interim steps, as they call them,
23 specifically we're going to try and consolidate the
24 county municipal courts, fire departments, police
25 departments, and ultimately force a merger of all

1 the county municipalities in the city. Now this is
2 grossly unfair, particularly that in the process a
3 lot of very well run, small black run municipalities
4 are being unfairly targeted, and I think that's the
5 real shame of this.

6 The other thing, of course, is that a
7 large court system is not necessarily any more fair
8 to people than a small court system, in fact, much
9 more unfriendly and bureaucratic, and have longer
10 wait times and problems that one previous speaker
11 described.

12 What I would ask the Court to do is take
13 the very highly targeted approach that, as I
14 understand it, the Supreme Court originally intended
15 to take. We know from three separate surveys that
16 outright abuses tend to be relegated to about a half
17 a dozen courts that have been identified. Action
18 should be taken to identify them directly. And then
19 I think most courts have little tinkering around the
20 sides where they could stand to have some, run their
21 operations better, and I think perhaps the
22 administrator, the one gentleman suggested back
23 here, would be a good way of doing that. Beyond
24 that, I would specifically ask that this Commission
25 consider recommending essentially repealing the

1 provision in SB 5 which removed the previously
2 existing limit on revenues raised by county courts.
3 I find it very strange that that bill actually took
4 the effort to eliminate the previously existing
5 limit on revenues by county courts while decreasing
6 the limit on city court, municipal courts, that just
7 strikes me as odd, and a mistake, or something
8 perhaps nefarious.

9 Bottom line, just, I think everyone
10 would be better served by keeping the municipal
11 courts as they are, perhaps there should be efforts
12 to encourage perhaps elected judges, more elected
13 prosecutors or some other way that the public would
14 have more direct say in the running of their local
15 courts, because what we've seen here recently with
16 trying to consolidate police departments and other
17 local municipal services, that people really like
18 having their services administered locally. Thank
19 you very much. I appreciate it.

20 HONORABLE BOOKER SHAW: Thank you, sir.
21 Edward Hall.

22 MR. HALL: Good evening, I'm Edward
23 Hall, I'm a volunteer at Arch City Defenders,
24 recently graduated from the University of Iowa
25 College of Law. I've been in Missouri for about two

1 months, in the St. Louis area.

2 I want to talk a little bit about
3 speeding tickets in my performance as a lawyer.
4 Earlier it was brought up that in implementing
5 regulations, we also have to recognize that and the
6 spirit in the culture in which those regulations are
7 being entered. I would just want to include the
8 entire bar into this, as we're saying that courts
9 have to follow these certain rules, we're relying on
10 the Bar to stand up for their clients and enforce
11 justice. And so the first case I was given once I
12 got my license was to take care of a speeding
13 ticket, and it was strange to me why I would be
14 necessary to do anything. What I was told is what I
15 could go down to the prosecutor's office in this
16 court, I was late, I walked in and I said, kind of
17 stupidly: I'd like a recommendation, and I don't
18 want any points on my client's license. And then
19 the prosecutor said: Okay, sure, you give me an
20 extra \$190.00, and then we can just sort everything
21 out that way. So I got paid, the prosecutor got
22 paid, or his office got paid, and somebody who had
23 money and means was able to keep their driver's
24 license longer. You can't do this if you're poor
25 obviously, I think a lot of people have addressed

1 that issue. It just, it boggles the mind that that
2 practice exists, that I would still be necessary,
3 that no one who's part of the Bar would stand up and
4 say: Why can't somebody just do this for themselves?
5 So within St. Louis you have a Bar that's implicit
6 on profiting from the rules that make the lawyers
7 necessary. It just shows a culture where money is
8 what is important, where it's a culture I'll scratch
9 your back, you scratch mine, and where people are
10 indifferent to the fact that the same rules -- that
11 the rules that are in place have a very different
12 effect for the poor than they do for the wealthy.
13 The Bar prides itself on being a self-regulating
14 profession, and what I've seen here is that it's a
15 self-preserving profession.

16 I just want to make one more point. The
17 Eastern District of Missouri recently issued an
18 order granting declaratory and injunctive relief
19 that addresses bail and the issuance of warrants,
20 and brings court practices in those areas in line
21 with constitutional principles. The case is Jenkins
22 v. Jennings, 4:15-CV-252, since it's an order which
23 also limits the payment docket and allows for the
24 conversion of fines to civil judgments, the courts
25 and jail in the city of Jennings are virtually

1 empty. It is essential that the Supreme Court
2 implement procedural protections outlined in the
3 Jenkins v. Jennings when the courts are
4 consolidated. Thank you.

5 HONORABLE BOOKER SHAW: Thank you.

6 Elad Gross.

7 MR. GROSS: Thank you. I didn't plan on
8 speaking today, but I've been here for a few hours
9 now, and I just got really inspired by how engaged
10 everybody in this room is, including all of you, and
11 I felt like I, I wanted to mention something, as
12 well. That I really hope that the recommendations
13 that you do come up with, no matter what they are,
14 that they're not siloed. I, obviously if you just
15 look at me, I haven't been an attorney for very
16 long, but I've kind of seen that in the legal
17 community often times we do become siloed into what
18 our specific practice area, whatever it might be,
19 puts us in.

20 Like so many other folks here, I, too,
21 have a story. Just a few months ago working
22 actually in this building, I received a phone call,
23 it was from one of my students. He was on his way
24 to college, he was also in jail, and he was broke,
25 and he was homeless. He was in jail in the county

1 because he had a warrant out for his arrest because
2 he had received a ticket for not paying to ride the
3 Metrolink, which cost \$2.50. In order to get him
4 out of jail, I had to put up \$200.00 to let him out,
5 and that was money that he did not have. Thankfully
6 for him, he had a support system that was around
7 him, including wonderful folks at Wash U's Legal
8 Clinic that were able to help him, as well, and get
9 him to the point where this man just a few weeks
10 later could go to college. There are a lot of folks
11 who are in his similar situation who don't have that
12 same opportunity, and I hope that having listened to
13 all the stories that people have told you today, I'm
14 sure that you'll hear over again elsewhere, that
15 this situation is dire for a lot of people, and that
16 if we continue to silo ourselves into whatever the
17 legal community is supposed to do versus the factors
18 of homelessness and poverty and disenfranchisement,
19 especially in this area, any kind of plan that we
20 would come up with wouldn't do as much as it could
21 if it were thinking about these issues at the same
22 time. So I really urge you all that when you are
23 coming up with these recommendations, to consider
24 how best we can empower this community, both in St.
25 Louis and throughout Missouri, by actually creating

1 a system where all of these pieces can interact with
2 each other rather than just having one working on
3 its own, because for too long in St. Louis we've
4 seen that that's, just doesn't work. So that's,
5 that's my comment; I thank you for your time.

6 HONORABLE BOOKER SHAW: Thank you.
7 Blake Strobe.

8 MR. STRODE: Good evening. My name is
9 Blake Strobe, and I'm a staff attorney with Arch
10 City Defenders. I guess this is the new attorney
11 portion of the evening, I'm also a new attorney,
12 I've been an attorney about two months, but I'm from
13 St. Louis, born and raised here, mostly in North
14 County, in Berkeley and went to Bridgeton, and
15 growing up here I heard many stories from family and
16 friends over the years of stops, and tickets, and
17 fines and fees. And I think if you grow up in this
18 area, that's very common, I think if you grow up
19 black in this area, it's especially common, and
20 that's not just me, you know, we have AG reports
21 that say that, but I didn't really -- I don't think
22 I fully appreciated how unique in the worst possible
23 way our municipal justice system was until many
24 years later.

25 I left St. Louis when I went away to

1 college, and then I went to law school, and I, at
2 the time, to be honest, I didn't really have any
3 intention of coming back to St. Louis, I thought I
4 would go off somewhere else far away and do
5 something very different, and then last year when I
6 was in law school, Mike Brown was killed and there
7 was a non-indictment, and I remember sort of
8 watching it on the news and seeing the city, you
9 know, on fire, literally and metaphorically. And in
10 the aftermath of that, I learned more and more about
11 the frustration that has been bubbling up in this
12 area around municipal courts, around fines, fees,
13 tickets, this cycle of people not being able to pay
14 a ticket, that they have not appeared in court, and
15 then there being a warrant, and then they wind up in
16 jail, and just hamstringing people so that, you
17 know, they lose jobs, they lose housing, it causes
18 all sorts of problems. And it was only after that
19 that I decided I wanted to come back to St. Louis
20 and do work here with the people that were
21 struggling with these issues and to try to bring
22 change to the system.

23 In, in law school I think we learned
24 what a court is supposed to be, and we get this very
25 clear sense of the court rules, and procedure, and

1 decorum, and it's very formal and, you know, it
2 looks a lot like this, it looks a lot like this
3 room. But anyone who's been to a municipal court
4 knows it looks nothing like this room. It's very
5 very different. And that, that may seem
6 superficial, but I don't think it is purely
7 superficial, I think the reason we have rules and
8 procedures is because it protects the rights of
9 those who are held into our courtroom and it
10 promotes some, some sense of justice, and that's
11 really what I think a lot of people who have come up
12 and spoken tonight are trying to say is that this is
13 a justice system, this is a municipal justice
14 system, and yet it seems like the justice part is
15 left out entirely. The only way that the justice
16 system works is if the people trust it, people
17 respect it, if the people have faith in it. That's
18 what underpins our entire justice system. And it
19 seems very clear to me, it seemed clear to me years
20 ago growing up here, it seems clear to me now, that
21 there is just very very little faith in our
22 municipal justice system in its current form.
23 People don't believe in it, people don't think it
24 has fair outcomes, even if there are those within it
25 that would promote particular aspects of it, it's

1 very hard to deny at least that confidence in it is
2 really lacking and really low, and that's a
3 structural issue, it's not about the people who are
4 placed there, it's not about good actors and bad
5 actors, it's about the way the system, itself,
6 works. And so that's why I think that -- that's why
7 I support and I urge you to consider consolidation
8 of the municipal courts to create a different
9 structure that people can actually believe in.
10 Thank you.

11 HONORABLE BOOKER SHAW: Okay, ladies and
12 gentlemen, that concludes our public hearing this
13 evening, and we want to thank you on behalf of the
14 Missouri Supreme Court and our Municipal Courts
15 Working Group. Thank you so much for your
16 attendance and for your testimony this evening.
17 Court will be adjourned.

18 (The hearing was adjourned at 8:53 p.m.)
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1 REPORTER CERTIFICATION

2 I, Pamela K. Needham, a Certified Shorthand
3 Reporter, do hereby certify that I was attended at a
4 Public Hearing held in the aforementioned matter at
5 the Missouri Court of Appeals, One Post Office
6 Square, in St. Louis, Missouri, on the 12th day of
7 November, 2015.

8 I do further certify that said proceedings were
9 by me reported in shorthand and caused to be
10 transcribed into typewriting, and that the foregoing
11 pages correctly set forth said proceedings.

12

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15 Pamela K. Needham, RPR, CCR, CSR-IL

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