

COURT EN BANC MINUTES
Tuesday, March 6, at 5:00 p.m.
Callaway County Courthouse
1st Floor Courtroom

Judges Present: Judges J. Hasbrouck Jacobs, Kevin Crane, Kimberly Shaw, Carol England, Michael Bradley, Leslie Schneider, Joshua Devine, Commissioners Sara Miller & Casey Clevenger and Columbia Municipal Judge Cavanaugh Noce.

Others Present: Boone County Circuit Clerk Christy Blakemore, Callaway County Circuit Clerk Judy Groner, Callaway County Prosecuting Attorney Chris Wilson, Adult Court Services Supervisor Brandon Walker, Court Administrator Mary Epping and Deputy Court Administrator Cindy Garrett.

1. Call to Order/Welcome

The meeting was called to order at 5:00 p.m. by Judge Kevin Crane.

2. Introduction of All Guests

Judge Kevin Crane welcomed guests. He introduced and welcomed Judge Joshua Devine, noting there will be a public robing and swearing in ceremony on March 9 at 4:00 p.m. in the Ceremonial Courtroom in Boone County.

3. Approval of the January 30, 2018 Minutes

Judge Leslie Schneider moved to accept the January 30, 2018, minutes. Second: Judge Kimberly Shaw. The motion passed unanimously.

4. Child Support Court

Judge Kimberly Shaw stated she and Assistant Prosecuting Attorney Steve Gunn observed the Post Plea Parenting Court in Liberty, Missouri, on March 5, which is very similar to the child support court she is interested in implementing in Boone County. She has asked Steve to take the lead and to get back with her when the process is finalized to begin, at which time she will determine a court date. This item will remain on the agenda for updates until ready to be implemented.

5. Protocol for Presenting Exhibits

Judge Leslie Schneider asked that this item be passed to the next agenda. It was discussed this was specific to Family Court.

6. Reappointment of Callaway County Board of Jail Visitors

Judge Kevin Crane thanked Prosecuting Attorney Chris Wilson for his assistance in soliciting a member for the Callaway County Board of Jail Visitors. Judge Leslie Schneider moved to accept the board as proposed on page 7 of the Court en Banc packet. Second: Judge Kimberly Shaw. The motion passed unanimously.

7. Legislation

Court Administrator Mary Epping reported on the following legislation:

- HB 1739 allows the court to depart from minimum sentencing unless there was serious physical force that resulted in serious physical injury; involved a sex offense against a minor (with a caveat); or there was brandishing or discharge of a firearm by the defendant.
- HB 2262 increases court costs for the court automation fund from \$7 to \$25.
- SB 641 allows the court to place a person on electronic monitoring with victim notification if the person is charged with or been found guilty of violating an order of protection. The defendant pays the costs unless they are found indigent and then the clerk sends a bill to the department of corrections for payment. Mary indicated it is not clear who all would get notifications or the process by which this would occur.
- SB 874 allows a citizen to summon a grand jury by filing a petition with the court, signed by one hundred qualified voters, plus 2% of the number of qualified voters who voted in the most recent gubernatorial election in the county. The Presiding Judge would have 60 days to summon a grand jury or deny the petition. The Court en Banc chose to watch this bill but oppose this legislation.
- SB 980 requires the state to reimburse the county for court costs in certain probate hearings (when the state agency files the petition to appoint a guardian or conservator due to incapacity or disability, and the person appointed is the public administrator, then the county shall be reimbursed the costs of the proceeding by the state). This bill is similar to HB 1829.
- SJR 28 is a constitutional amendment under nonpartisan plan, stating the judicial commission shall submit to the governor a list of all qualified nominees, rather than only three names. The list shall include at least three names.

Deputy Court Administrator Cindy Garrett reported on the following bills:

- HB 1255 regarding Raise the Age was heard by the House Judiciary last week. Representation Schroer offered an amendment to HB 1255 that creates a \$3.50 court fee on civil cases that will go into a juvenile justice preservation fund. Senator Wallingford offered the same amendment to SB 793, which was adopted by the Senate. SB 793 was perfected on February 28, 2018. SB 793 has a three year implementation date. The intent behind the juvenile justice preservation fund is to have money available for juvenile courts to use in a manner they determine best for addressing Raise the Age as well as other needs within circuits. It is estimated the fund will generate approximately 3 million a year.
- SB 795 and HB 1491 both modify provisions relating to termination of parental rights. Both have been voted do pass out of committee.
- HB 1246 has been signed by Governor Greitens. This bill directs the Department of Public Safety to create a poster that provides information regarding the National Human Trafficking Hotline. The law takes effect on 8/28/18 and will require entities located in areas most likely to see high levels of human trafficking to display the poster starting 3/1/19.

8. Alcohol/Drug Related Traffic Report

Deputy Court Administrator Cindy Garrett presented the Municipal Court report for July through December, 2017, on intoxication-related offenses as set out on page 8 of the Court en Banc's packet. The report was reviewed and no action was taken.

9. Jury

a. Update on eJuror

Court Administrator Mary Epping said Boone County has begun the new eJuror process. The public is allowed to use the computers in the civil clerk's office if necessary to access a computer or they can be sent a paper questionnaire if they do not have internet access. Callaway County will start this process in April.

The 13th Circuit website was updated and a news release was sent, which garnered some coverage.

b. Jury Mileage Payment

Court Administrator Mary Epping said one item still pending is whether jurors' mileage should continue to be paid from actual mileage or changed to a standard rate by zip code. The zip code approach is a time savings for our staff, however, when OSCA ran a few tests it showed a potential cost increase per jury trial. Mary noted our circuit pays significantly more per mile than is required by statute in that the statute says \$.07 and we pay \$.54 in Boone and \$.40 in Callaway, which is consistent with what each county pays for employee mileage.

Mary noted the payment amount is up to the governing body of the county, therefore the counties would need to approve pursuant to §494.455. Judge Kevin Crane appointed himself, Judge Sue Crane, both county clerks, Mary Epping, Cindy Garrett and Gloria Schaefer to a committee to make a final recommendation.

c. Number of Jurors in each Quarter and Qualifying Pool

Court Administrator Mary Epping stated by statute §494.405 and §494.415, the board of jury commissioners is responsible for making sure the number of jurors the court requires are drawn and summoned for jury duty. Gloria Schaefer, as supervisor, is recommending we increase the number drawn for each quarter and for each week.

Currently Callaway County has 1,500 names for pool members per quarter, where they have 2 weeks of service and 75 are pulled for each weekly pool. Last week Gloria noted there were only 136 remaining in the pool. This was the final week to pull for the quarter, but it was cutting it close.

The proposal for Callaway County is to have 2,000 per quarter (8,000 a year) for each qualifying pool, which is an additional 500 and increases the names pulled from 75 to 100, as we have come pretty close in having just enough report for what is called for by the Judge. Callaway has enough population to support an increase.

The proposal for Boone County is to increase from 3,500 to 4,000 per qualifying pool per term, which is two months. The weekly pool is usually 150, therefore we would like to consider increasing the weekly pool to 175. This will result in an increase in cost of mailings and service, if called in.

Judge Kevin Crane asked that we revisit this item in April as we will have eJuror active in both counties at that time.

10. State Devices

Court Administrator Mary Epping said our state employees will get new computer devices by June 18 with the exception of judges which will be implemented separately. All new devices will come with Windows 10. The transition will require all judges and commissioners to make the transition simultaneously due to bench configurations. Steve Smith plans to provide the new devices to judges prior to the transition date, to allow time to become familiar with Windows 10. At this time the type of specific device for judges has not been announced.

11. Cell Phones

Court Administrator Mary Epping said issues regarding cellular phones have come up several times in the last month. She reminded everyone of the current policy which includes court and state employees being allowed in the courthouse with their cell phone with their court or state identification. Anyone else approved to enter with a cell phone should have an assigned red card. If individuals need their cell phone for court purposes, the party must get pre-approval from the judge. Once the judge makes an order allowing the individual to have their cell phone for a specific date, that order must accompany the individual so court marshals know of the approval. When individuals complete ex parte paperwork, the clerk tells them to print out anything from their cell phone that may be needed for court. They also pro-actively tell them they have to request permission from the judge if they are unable to print the items and need to bring their phone. If the judge approves their request, the clerk mails the notices and the order to the party. There is not a specific form for individuals to make a request. Mary mentioned that if a case is continued, the judge must issue another order allowing the phone as they are date specific.

12. Annual Report of Time Standards

Court Administrator Mary Epping provided the 2017 fiscal year annual report on time standards reports for the 13th Circuit from OSCA. Mary provided a handout of the statistics. Mary compared our circuit with the seven other judicial circuits in the state that have a similar population. Mary noted while we are only meeting one time standard as set by the Supreme Court Operating Rule 17.23, we improved our numbers in fiscal 2017 and actually had the highest percentage of all the circuits in associate criminal with 95%. She further noted we were ahead of the statewide average in 8 of the 10 standards. Mary said case filings increased in probate and felonies overall and our disposition rate increased in most categories of cases.

13. Other

Judge Kevin Crane advised of a circuit issue in Callaway County. He indicated a defendant or the state has a right to change venue due to their population. He has been seeing more of these requests lately. He said typically the case is moved to Boone County. Therefore, when a motion is granted and there is no objection to venue being Boone County, the case is moved to Boone County and set for jury trial in Boone County; however, all pre-trial proceedings should occur in

Callaway County. Judge Crane said when setting the jury trial, Prosecutor Chris Wilson is recommending an order be entered for the case to be set for trial in Boone County during the judge's Callaway County week, to avoid Chris having a conflict of a trial in both Boone and Callaway counties. Judge Crane said for those cases in which it is requested that venue be changed and a party is opposed to the venue being Boone County, it will be up to the party to request a hearing prior to the trial so that the location of venue can be set. Chris said the attorney has ten days from the time the plea is entered to ask for change of judge or change of venue; however, a judge is not yet assigned as in Callaway County the clerk does not assign the case to a judge until it is placed on the trial request docket. It was noted to pay special attention to this matter as the motion may indicate the trial judge as the judge that heard the arraignment. All agreed motions filed prior to a judge being assigned should be filed with the presiding judge. Christy Blakemore said for the case management system, venue of the case stays in Callaway with the Callaway County case number.

Deputy Court Administrator Cindy Garrett provided an update for expenses paying private attorneys to handle juvenile cases who qualify for public defender services. To date in 2018, we have paid out \$4,500 from the misdemeanor/felony contract. At this rate, the Family Services & Justice budget could see \$25,000 for this contract alone, which was not budgeted. Cindy said there is an anticipated revenue of \$5,900 from juvenile family court fees, therefore the income from juvenile cases is not going to cover the expenses. She also noted \$1,290 has been incurred for visitation, therapy, etc., which is where the largest amount was budgeted in Family Services & Justice at \$51,500.

Judge Kevin Crane said once the public defender's office is fully staffed, he would like to have another meeting arranged with them to provide this information. It was noted the Callaway Public Defender is still representing juvenile offenders. Court Administrator Mary Epping said there may be a push statewide by public defenders for juvenile case representation to be covered by other funding avenues. Judge Crane said he will address this issue at the next Jail Overcrowding meeting on April 17.

Commissioner Casey Clevenger mentioned that our Boone County treatment court was contacted by OSCA and asked to be a recipient for a federal equity and justice grant they will be apply for to improve outcomes for minorities that enter treatment court, charged with drug possession. Commissioner Clevenger said we would be participating in the grant with four other counties. She said the funding would assist with culturally relevant treatment. She anticipates this will start in October 2018. Court Administrator Mary Epping said related to that, the Boone County Commission has asked the court and Health and Human Services to be in a leadership lab with four counties across the country that would look at socioeconomic, health and justice related issues of participants and how to improve the system for them. Kelly Wallis, Director of Community Services asked Mary if an alternative sentencing court administer or Mary would take the lead on this effort. Mary asked them to first contact Steve Hollis from the City to see if he could take the lead. Mary said she is interested in participating as this program is in line with what the court and county are doing, however there are a lot of projects currently going on and is concerned about having the time to dedicate to taking lead on this project.

14. Comments from the Public

No comments.

15. Meeting Date

The next meeting is scheduled for April 17, 2018, at 5:00 p.m. to convene in the Boone County Courthouse, Law Library. Judge Carol England moved to adjourn. Second: Judge Kimberly Shaw. The motion passed unanimously. Adjourned at 6:00 p.m.

Prepared by: Cindy Garrett
Cindy Garrett
Deputy Court Administrator

Submitted by: Mary Epping
Mary Epping
Court Administrator

Distributed on: 4/12/18