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COURT EN BANC MINUTES
Tuesday, May 15, at 5:00 p.m.
Boone County Courthouse
2nd Floor Law Library

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

Others Present: Boone County Circuit Clerk Christy Blakemore, Boone County Circuit Clerk Unit Manager Sherry Seiling, Boone County Civil Clerk Supervisor Toni Kardon, Callaway County Circuit Clerk Judy Groner, Adult Court Services Supervisor Brandon Walker, Attorneys Dan Viets and Marcie Bower, and Court Administrator Mary Epping

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.

3. Approval of the April 17, 2018 Minutes

Judge Leslie Schneider moved to accept the April 17, 2018, minutes. Second: Judge Carol England. The motion passed unanimously.

4. Destruction of Records

Court Administrator Mary Epping reported the Boone County Circuit Clerk's office has asked to destroy by shredding the documents on pages 7 and 8 of the Court en Banc's packet. Judge Joshua Devine moved to approve the destruction of the records listed. Second: Judge Michael Bradley. The motion passed unanimously.

5. Child Support Court

This item was tabled to next month.

6. Protocol for Presenting Exhibits

Judge Leslie Schneider provided a handout of Local Court Rule 24 on Exhibits. Judge Schneider reviewed local court rules regarding exhibits of St. Louis County, St. Louis City, Jackson County and Greene County. She said each of the counties, excluding Greene County, state the attorneys are to be in charge of their own exhibits at the close of

evidence. Judge Schneider, Judge Sue Crane and Commissioner Sara Miller met and are recommending our Local Court Rule be changed to reflect opposing counsel are responsible for retaining their original exhibits and in the event that copies of exhibits are necessary, the attorney be responsible for scanning the exhibits onto a disk or provide hard copies. Judge Leslie Schneider moved that Rule 24 be amended to strike the last two sentences and the following language be added "Exhibits offered shall remain in the custody of the attorney offering the same and shall at all reasonably times be subject to examination by opposing counsel before, during and after the trial. A copy of the exhibits or a disk, based upon the preference of the judge, will be provided to the court for submission on cases taken under advisement." Second: Judge Michael Bradley. The motion passed unanimously. The rule change will go into effect after 60 days.

Judge Kevin Crane temporarily left the meeting, Judge Jeff Harris presided over the meeting in his absence.

7. New Supreme Court Rule 16 – Camera in the Courtroom

Court Administrator Mary Epping said she sent an email last week with a proposed revised Media Request Form that is on page 9 of the Court en Banc's packet. Some things to point out that are updated based on the rule are the addition of "Type of Organization," and under "Nature of Request," the option of "Electronic Transmission" was added. Mary pointed out that we will need to emphasis with local media that if approved for photography they can use a camera, however if approved for electronic transmission that does not allow use of their cell phone to take photos, as those are separate requests and separate rules. The only other significant change is under the "Note" section, all requests must be made in two days, as it was previously five days. Judge Leslie Schneider moved to approve the revised media form. Second: Judge Carol England. The motion passed unanimously.

Judge Kevin Crane returned.

8. Update on Bond Form

Judge Jodie Asel said the bond form was reviewed at the last meeting and there was discussion about changing the language currently on the form and adding conditions that are frequently requested by the prosecutor. Judge Asel said it is really the warrant that she saw the need to change versus the bond form. Judge Asel said the warrant is an OSCA form therefore we cannot add our own language and it would require going to the state Records Committee to make changes to the form. Judge Asel said if there were blank spaces on the warrant, judges could use a stamp versus having to write all the conditions. Judge Kevin Crane said he spoke with Assistant Prosecuting Attorney Tracy Gonzalez about the four additional conditions they frequently request. He asked if they could use more discretion about when those conditions are necessary and since that discussion the conditions have not been requested on the warrants he has signed. The clerk said they will see if they can make more room on the warrant form when it is

delivered to the judge. There will be further discussion as to possible changes on the bond form used at the jail.

9. Jury Mileage

Court Administrator Mary Epping said on page 10 of the Court en Banc's packet is a proposed Administrative Order that reflects the discussion held last month regarding our circuit moving to a process of paying jurors $.40 per mile based on zip code. Mary said $.40 is the amount currently being paid by Callaway County, where Boone County currently pays $.54. The jury boards of both counties recommended the amount be the same across the circuit and, for ease, the payments be made based on zip code. Judge Leslie Schneider moved the Juror Mileage Payment be approved as noted on the order on page 10. Second: Judge Michael Bradley. The motion passed unanimously.

10. Expungement

a. Notice and Service

Court Administrator Mary Epping said this topic was addressed last month as there were some concerns with the expungement process that took effect in 2018, that there were differences in how judges were requiring notice/service based on what attorneys or pro se litigants were requesting. OSCA has provided information to the clerks through their clerk handbook indicating for criminal expungement they are to follow civil rules and for arrest record expungements they are to follow small claim rules. Judge Jodie Asel said the statute says the prosecutor has thirty days to object. She indicated the most recent cases she has had, a prosecutor has appeared, noting they are accepting service and then it is passed for 30 days. Judge Asel said it would be nice if there was a docket for these cases and a prosecutor was present. Judge Jeff Harris said he would like to know from the prosecutor if they received notice and if they are objecting to the request. Judge Asel said if the prosecutor would file something upon receiving notice and noting their objection or not, then that would be of assistance. Boone County Circuit Clerk Christy Blakemore said they have been putting a reminder on the cases for their staff out 45 days from filing so they can check to see if the prosecutor has filed anything. Judge Asel said she has also received a motion to proceed in forma pauperis. She feels there will be more of these due to the expense of the filing. Judge Asel said she approved the request based upon the information presented.

b. County Clerk and Section 483.075

Court Administrator Mary Epping said this issue was brought up last month by Judge Carol England, where the statue says if the clerk is a party, the county clerk has to fulfil the duties of the circuit clerk. Mary said Callaway County Circuit Clerk Judy Groner has contacted the clerks' lobbyist who has added language to a bill that is moving, that would amend §483.075, to exclude cases filed under §610.140, so this issue would be addressed. Judge Jodie Asel said §610.140 and

the forms associated with expungement lists the court, not the clerk, as a party. This matter will be reviewed next month to determine if legislation was passed.

11. New Debt Collection Agency

Court Administrator Mary Epping said on page 11 of the Court en Banc's packet is information regarding the new debt collection agency, Municipal Services Bureau, which will go into effect on May 18, 2018, for the 13th Circuit. She said this agency is providing a reduced rate of 14.9%, compared to 20% for the previous agency. Mary said the website has been updated to reflect this change. Boone County Circuit Clerk Christy Blakemore said they updated their cost bill that is provided to defendants to reflect the new information.

Judge Kevin Crane temporarily left the meeting again, Judge Jeff Harris presided over the meeting in his absence.

12. Other

Commissioner Casey Clevenger said she was at a conference with the American Psychiatric Association and came across a Bench Card that is a judge's guide to mental illness in the courtroom. This was put out by the American Psychiatric Association and the National Judicial College. She felt it had some helpful information therefore she provided a laminated bench card to each judge.

Commissioner Clevenger said she has had some issues come up recently where people will enter treatment court, however they are still under bond conditions through Adult Court Services, such as an alcohol monitor, etc. Court Services Supervisor Brandon Walker said years ago when Drug Court first started, then-Commissioner Carpenter would make an entry relieving ACS from supervision. He said in the early 2000's there was an understanding that once someone entered treatment court, that ceded any type of supervision or bond and their office was no longer involved since they were receiving intensive services through treatment court. His understanding is that is how they have operated since that time. Commissioner Clevenger said it seems ACS is not always aware of the participant entering treatment court, therefore they are continuing to be monitored by ACS and the defendants are continuing to pay for the alcohol monitor system, which can be very costly for the participants. All agreed it was appropriate for Commissioner Clevenger to enter an order on treatment court participants regarding their bond conditions once they enter treatment court.

Judge Kevin Crane returned.

Judge Jodie Asel asked about anger management classes for females. She said recently a defendant had to have her probation extended for a year as she had run out of time to finish her anger management program through Reality House. She said the defendant paid $80 to Reality House for the program and last week provided Judge Asel with a receipt of payment for the program from July 2017, and a written documentation from

Reality House indicating they cannot provide the programming until there are four women in need of the program. Judge Asel said someone else had requested to attend Something for Nothing in place of the Anger Management program as they were also unable to get into the program. Judge Asel inquired if there are other options for anger management programs for women. Court Administrator Mary Epping said Family Counseling Center and TMT Consulting both offer anger management programs for women. Judge Asel asked for a list of programs available so she has it for future use. She also requested that Reality House be contacted regarding their policy of refunding money.

Callaway County Circuit Clerk Judy Groner announced she is retiring May 31, 2018. She thanked everyone for being patient with her and for educating her about the court system. She is looking forward to retirement but she will cherish the relationships she has made and she will miss everyone. The judges noted what a joy Judy has been to work with over the years and thanked her for the great work she has performed. Court Administrator Mary Epping said there will be a retirement party for Judy Groner on May 31, 2018 in Fulton from 3:00 to 5:00 p.m.

Court Administrator Mary Epping said Technology Services Supervisor Steve Smith has announced his retirement date of July 31, 2018. His job will be posted in June.

Boone County Circuit Clerk Christy Blakemore said she currently has seven openings. They are currently in the process of setting up interviews.

13. Comments from the Public

No comments.

14. Meeting Date

The next meeting is scheduled for June 19, 2018, at 5:00 p.m. to convene in the Boone County Courthouse, Law Library. Adjourned at 5:50 p.m.

Prepared by: Cindy Garrett
Cindy Garrett
Deputy Court Administrator

Submitted by: Mary Epping
Mary Epping
Court Administrator

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