

COURT EN BANC MINUTES
Tuesday, September 18, 2018, at 5:00 p.m.
Boone County Courthouse
Law Library, 2nd Floor

Judges Present: Judges Jeff Harris, Kevin Crane, Jodie Asel, Kimberly Shaw, Carol England, Sue Crane, Leslie Schneider, Joshua Devine, Commissioner Sara Miller, and Columbia Municipal Judge Cavanaugh Noce.

Others Present: Boone County Circuit Clerk Christy Blakemore, Unit Manager Sherry Seiling, Adult Court Services Supervisor Brandon Walker, Sergeant Benjamin Pruett, Attorney Finley Gibbs, 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.

3. Approval of the August 21, 2018 Minutes

Judge Carol England moved to accept the August 21, 2018, minutes. Second: Judge Kimberly Shaw. The motion passed unanimously.

4. Orders of Destruction – Circuit Court

Deputy Court Administrator Cindy Garrett reported the Boone County Circuit Clerk's office has asked to destroy by shredding the documents on pages 6 and 7 of the Court en Banc's packet. Judge Kimberly Shaw moved to approve the destruction of the records listed. Second: Judge Jeff Harris. The motion passed unanimously.

5. Extradition/Warrants

Judge Asel arrived at 5:02 p.m.

Judge Jodie Asel provided a handout for discussion. She suggested everyone review the policy, specifically giving thought to the second part of #4 as it may need to be written different. Judge Kevin Crane requested this item be placed on the October Court en Banc meeting agenda. It was noted in the protocol, paragraph one does not include an email to the judge, it goes to staff at the sheriff's department, prosecutor's office and clerk's offices. Circuit Clerk Christy Blakemore agreed to make sure Tracy Gonzalez has the updated protocol for review.

6. Public Defender Wait List

Judge Kevin Crane shared that the Boone County Public Defender's office will be receiving \$100,000 to go towards contract panel attorneys in an effort to reduce the wait list. He said there may be opportunity for additional money after that. Judge Crane said there are currently 598 cases on the wait list and with the additional money they will begin assigning contract attorneys to the oldest felony cases, not including felony probation cases. Judge Jodie Asel voiced concern about the felony probation cases on the wait list as section 559.036.8, RSMo, says you have to proceed within a reasonable amount of time after the expiration of the probation period.

7. Weighted Workload Reports Starting October 1, 2018

Court Administrator Mary Epping said judges should have received an email regarding the weighted workload study that will begin October 1, 2018, and run for four weeks. Mary contacted OSCA and provided the following information. OSCA received a grant to pay the National Center to do all the legwork on this study. It is not possible to skew the numbers for the workload or hours worked, as they are trying to determine an average number of hours it takes to process each case type for all judges who participate. That number will be compared to the cases filed in each county. According to OSCA, the last time they did this study 98% of the judges across the state participated. Mary said this study is being done now as part of the realignment study as by statute there must be a current judicial weighted workload model and there has not been one done for 12 years. There was discussion regarding this study potentially showing the need for additional, or less judges, within individual circuits. Mary said about six circuits have received a new judge within the past 10 years, however there are statutes regarding county population to determine the number of judges a county should have. At least one new circuit was created recently, which allowed for a new circuit judge. She also noted there are statutes that give some circuits extra judges in addition to the population standard. Mary is not sure how or if the prior statutes will be affected based on the study and possible realignments. She said one reason for realigning circuits that will be considered by the National Center is the "windshield time" judges in multi-county circuits spend driving versus doing work, in an effort to more efficiently use the judges. Mary said a representative from the National Center will be at the judicial conference at section meetings and they will have a booth should there be any questions. Judge Sue Crane said she has learned that in some jurisdictions each ticket is filed as an individual case which would then be comparing apples to oranges. Judge Sue Crane requested this concern be passed along. Mary said it was indicated the data entry should only take 15-20 minutes per day. Mary also advised if a judge is gone for a week, they will average the time based on the weeks they were part of the study.

8. 1 West and 2 East Audio

Court Administrator Mary Epping said the audio no longer works in the overhead speakers in both 1 West and 2 East. Mary said the FTR still works and media can still record the audio from the courtroom but they cannot use the port. Unfortunately, this

also means the hearing assist devices do not work. To fix the problem it would require buying new amplifiers to make the overhead speakers work, however the current type of amplifiers are no longer made. Christopher Fishman-Weaver found a used amplifier on eBay however it is not clear what the condition of the unit might be. The alternative is a complete audio overhaul, which includes new amps, cabling, microphones and new wiring. Mary needs to know what the court wants to do in terms of expediency of the project. Chris has estimated \$20,000 for the overhaul. It was agreed there was no need to do emergency funding and other accommodations could be made for someone who could not hear due to a disability or hearing loss.

9. Courthouse Office Changes, Public Administrator and Bar Chambers

Judge Kevin Crane said it has been agreed the attorney chambers, next to the criminal clerk's office, will be moving to the large meeting room west of the ceremonial courtroom and staff from the Public Administrator's office will be moving into the current attorney chambers, in an effort to address space needs. The Boone County Bar will be involved in the aesthetics of the new space.

10. Meal Reimbursement

Court Administrator Mary Epping said recently she was contacted by the Boone County Auditor who inquired about an itemized receipt for someone requesting reimbursement. Mary said the Auditor noted the Court's policy requires an itemized original receipt, as noted on pages 8 and 9 of the Court en Banc packet. Mary said the State and Boone County do not require receipts, however administrative authorities can. Callaway County requires receipts but gives up to \$35 per day. Mary is proposing a change to our policy, including replacing the word "maids" to "housekeeping", adding to the second paragraph as noted in the attachment regarding the per diem rate for reimbursement, striking the third paragraph and striking the final sentence in the fifth paragraph. This proposal matches the State's policy including meals at conference do not qualify for reimbursement. It was noted there was no change regarding the first and last travel day where you only receive 75%. Mary conferred with all the supervisors and they asked that supervisors be allowed to ask for itemized receipts. The Court en Banc approved the proposed change to the Rules and Regulations.

11. Other

Court Administrator Mary Epping and Sergeant Benjamin Pruett said the Court Marshal's will be hosting warm zone training on Thursday, September 27, from 5:30 – 9:00 p.m. Ben said this training addresses what happens after an active shooter incident. It ensures staff are able to identify when the threat is neutralized so that EMT can be allowed in to treat the injured.

Mary Epping said Boone County judges were forwarded an email from Shajia Jaffri . Ms. Jaffri was emailing everyone on behalf of Judge Ted House, who is the chair of the Civic Education Committee. They want to work with Boone County judges to do

seminar series from the Kinder Institute at Mizzou. If interested please advise Mary or Ms. Jaffri. The seminar will be a once a month presentation on specific topics from January through May.

Deputy Court Administrator Cindy Garrett said there was recently a news article where Missouri Auditor Nicole Galloway voiced concerns about the number of cities and counties not collecting the court filing fees that go to domestic violence shelter. She had further concerns for those collecting the fees in that it was difficult for shelters to apply for the local funding. Cindy said she would follow up with county officials regarding the use of those funds in our circuit.

Judge Kevin Crane said he will present the state of the judiciary to the Boone County Bar on October 10, 2018.

Mary Epping said Callaway County is having a feasibility study completed by Nform. She said they will be interviewing Judges Sue Crane, Carol England and Kevin Crane as part of the study. Mary suggested if any other judges had concerns they wanted shared, to please let Judge England, Judge Sue Crane or Judge Kevin Crane know.

12. Comments from the Public

No comments.

13. Meeting Date

The next meeting is scheduled for October 23, 2018, at 5:00 p.m. to convene in the Boone County Courthouse, Law Library. The meeting adjourned at 5:35 p.m.

Prepared by: Cindy Garrett
Cindy Garrett
Deputy Court Administrator

Submitted by: Mary Epping
Mary Epping
Court Administrator

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