

**COURT EN BANC MINUTES**  
**Tuesday, October 1, 2019, at 5:00 p.m.**  
**Boone County Courthouse**  
**Law Library, 2<sup>nd</sup> Floor**

**Judges Present:** Judges Kevin Crane, Brouck Jacobs, Jeff Harris, Jodie Asel, Carol England, Sue Crane, Tracy Gonzalez, Leslie Schneider, Stephanie Morrell, and Commissioner Sara Miller.

**Others Present:** Boone County Circuit Clerk Christy Blakemore and Unit Manager Sherry Seiling, Callaway County Circuit Clerk Megan Morse, Adult Court Services Supervisor Brandon Walker, 13<sup>th</sup> District Public Defender Sarah Aplin and Assistant District Defender Jeremy Pilkington, Court Administrator Mary Epping and Deputy Court Administrator Cindy Garrett

**1. Call to Order/Welcome**

The meeting was called to order at 5:04 p.m. by Judge Kevin Crane.

**2. Introduction of All Guests**

Judge Kevin Crane welcomed guests. Boone County Circuit Clerk Christy Blakemore was recognized for 30 years of service to Boone County where she started her service in 1989. Christy was presented with a plaque.

**3. Approval of the August 27, 2019 Minutes**

Judge Leslie Schneider moved to accept the August 27, 2019, minutes. Second: Judge Tracy Gonzalez. The motion passed unanimously.

**4. Order of Destruction**

Deputy Court Administrator Cindy Garrett reported the Boone County Circuit Clerk's office has asked to destroy by shredding the documents on page 5 of the Court en Banc's packet. Judge Jodie Asel moved to approve the destruction of the records listed. Second: Judge Stephanie Morrell. The motion passed unanimously.

**5. Court Operating Rule 21.11**

Court Administrator Mary Epping said the associate circuit judges have been having discussions about Court Operating Rule 21.11 which requires a formal administrative plan for collection of court debt that is to be reviewed annually. This year the plan is being reviewed in light of the Supreme Court rule changes. Judge Stephanie Morrell said the administrative plan discusses issuing a warrant for failure to pay fines and costs, which is no longer allowable. It also references payment plans and restitution which may

require changes in Boone County with Adult Court Services and in Callaway County on their fines and costs processes. This topic will be addressed next month with edits to the plan.

**6. Video Interpreting Pilot**

Judge Kevin Crane said our court was approached by OSCA and Supreme Court Judge Laura Stith about being a pilot site for video interpreting which would involve cases with individuals who are in need of a sign language or a foreign language interpreter. The interpreter would be on video versus using language line or having an interpreter appear in person at the courthouse. Court Administrator Mary Epping said the benefit is being able to see expressions and body language and the potential for having more options for a certified interpreter. It is unknown if there will be a minimum cost for the service, however the payment and reimbursement will follow the current process. It was agreed that an in person interpreter would still be requested for trials. Mary said a vendor has not been selected. The judges all agreed video interpreter would allow for a much clearer process. Mary noted our IT department is willing to assist with the process along with staff in the judge's office. Boone County Circuit Clerk Christy Blakemore said her staff is still participating as a pilot site for Show Me Courts and therefore do not have time to get involved in this pilot project, however she is not opposed if others can assume the responsibilities. Callaway County Circuit Clerk Megan Morse also said she is not opposed to being a pilot site for the program. Judge Sue Crane moved for the 13<sup>th</sup> Circuit to agree to be a video interpreting pilot site. Second: Judge Stephanie Morrell. The motion passed unanimously.

*Commissioner Case Clevenger arrived @ 5:11 p.m.*

**7. Court en Banc Schedule of Meetings**

Judge Kevin Crane said Judge Sue Crane brought up the topic of having fewer Court en Banc meetings and have electronic voting on issues that may arise between meetings. Judge Kevin Crane said he believes there is a benefit in having monthly meetings. Due to lack of interest in having less frequent meetings the schedule will remain as is.

**8. MADD**

Court Administrator Mary Epping said she was contacted by the local chapter of MADD (Mother's Against Drunk Driving) and provided a letter about their Victim Impact Panel. Mary said we currently work with an agency that provides a VIP program at the courthouse. MADD is asking to be added to the list of court approved programs. They are meeting every other month in Columbia, but meet every month in Jefferson City. Court Services Supervisor Brandon Walker said his staff are aware of the program with MADD and they have referred individuals to them. MADD is currently working on 2020 program dates and will provide those when available. Judge Cavanaugh Noce asked that information about MADD be shared with his municipality.



**9. Breathalyzer**

Court Administrator Mary Epping said Court Services Supervisor Brandon Walker inquired about Boone County purchasing a breathalyzer. Mary noted a unit can be purchased for approximately \$150 and expenses would be incurred to periodically have it calibrated. Brandon recommended if purchased the unit would only be used for spot testing people under their supervision or if the court sent an individual to them to be tested. It was noted the Court Marshals in Callaway County have a Portable Breath Test (PBT) unit they use for this purpose. It was agreed a PBT unit should be considered versus a breathalyzer. Judge Leslie Schneider moved to approve the purchase a PBT unit in Boone County. Second Tracy Gonzalez. The motion passed unanimously.

**10. Personnel Policy, Foster Parents**

Court Administrator Mary Epping said on page 6 of the Court en Banc's packet is proposed edits to the current policy in Section D.X.E of the 13<sup>th</sup> Circuit Personnel Policies and Procedures under Conflict of Interest. Mary said the policy was initially created specifically for juvenile office staff being restricted from being foster parents to 13<sup>th</sup> Circuit foster youth. She said it has been requested that this policy be expanded to all staff of the 13<sup>th</sup> Circuit which would restrict staff from being a foster parent to 13<sup>th</sup> Circuit youth unless it is a kinship placement. Judge Leslie Schneider moved to amend the procedure as proposed on page 6 of the Court en Banc packet. Second: Judge Stephanie Morrell. Judge Sue Crane asked that an amendment be made to grandfather in those staff who are currently providing care for a foster child. Judge Sue Crane moved to add the following language to the end of the proposed language:

3. Foster children placed with an employee as of October 1, 2019, are exempt from this policy.

Second: Judge Stephanie Morrell. The motion passed unanimously.

**11. Docket Changes**

Court Administrator Mary Epping reviewed proposed docket changes which included:

- a. Boone County
  - i. Division 5– adding a criminal docket Monday at 1:30 on weeks 1 and 3
  - ii. Division 9 and 11 – switching wedding weeks
  - iii. Division 12 – Thursdays should reflect 9:00 co-occurring court staffing; 1:30 co-occurring court; 10:30 mental health court staffing; and 3:00 mental health court.
- b. Callaway County
  - i. Division 6
    1. Adding an 8:30 in custody 48 hour hearings every Tuesday, and 3 p.m. 7 day bond hearings Wednesday and Friday.

2. Eliminating jury trial and adding back in Mental Health and Civil dockets
- ii. Division 7
  1. Adding an 8:30 a.m. in custody bond hearings every Thursday
  2. Eliminating jury trial and adding back in dissolutions and trials
  3. Noting small claims being held at William Woods University Court Room
  4. Removing pro se dissolution from Monday week 4 at 9 a.m.
- iii. Division 12 – moving family court staffing to 8 a.m. and court to 9 a.m.
- iv. Division 2 – Weddings at 11:00 a.m.

It was requested these changes be effective October 1, 2019. It was noted upon a jury trial application in Division VI, Division VI will assign to Division VII if agreement without the necessity of the Presiding judge assigning.

Judge Stephanie Morrell moved to approve the docket changes as noted effective October 1, 2019. Second: Judge Tracy Gonzales. The motion passed unanimously.

## **12. Reappointment of Treatment Court Commissioner**

Judge Kevin Crane said that Commissioner Casey Clevenger's end of term is on November 30. Judge Brouck Jacobs moved that Commissioner Clevenger be re-appointed as the Treatment Court Commissioner for the 13<sup>th</sup> Circuit for a four year term commencing November 30, 2019, pursuant to Section 478.003, RSMo. Second: Judge Sue England. The motion passed unanimously.

## **13. Memorandum of Understanding, Court and Circuit Clerks**

Court Administrator Mary Epping said Boone County Circuit Clerk Christy Blakemore came to her after being at a clerk's conference and recommended having a written record in place regarding responsibilities. It was noted other circuits are dealing with in-fighting between clerks and the courts and, since our court collectively has made verbal agreements, the agreements should be documented. Mary said on pages 8 and 9 of the Court en Banc's packet is a draft of a memorandum of understanding which generally outlines the agreements and practice of the 13<sup>th</sup> Circuit. Mary asked that everyone review it and provide any edits or additional suggestions to her by the next meeting. Judge Kevin Crane said an MOU would provide clarification to our process including recognizing the clerk is responsible for their staff. Boone County Circuit Clerk Christy Blakemore said the clerks may make legislative efforts to amend statutory language about clerks' responsibility and authority. It was agreed this topic will be brought back at the next Court en Banc meeting.

## **14. Supreme Court Rule 111.01 & 112.04**

Deputy Court Administrator Cindy Garrett said pages 10 - 12 of the Court en Banc's packet are changes made to Supreme Court Rules 111.01 and 112.04. On pages 13 and



14 it is noted specifically what language was stricken or changed. As to SCR 111.01, it removed the ability of the informant to take the case directly to a judicial officer of the court if the juvenile officer determines the case does not fall within the juvenile court's jurisdiction. As to SCR 112.04 it allows the chief juvenile officer the ability to extend an informal adjustment agreement past six months versus the court. Both of the rule changes go into effect on March 1, 2020.

## 15. Other

Judge Kevin Crane said Columbia Police Department Deputy Chief John Gordon has advised him MUPC has taken the position with the authority of HIPPA that when law enforcement brings a person into the facility, providing a probable cause statement, is not enough for law enforcement to be notified when the individual is discharged. It was noted if someone is taken from the jail or the street to MUPC, a warrant is required in order for law enforcement to be kept informed of discharge plans. Judge Crane said he has been in contact with MU Chief Counsel Steve Owens and Steve is working to address the issue to hopefully avoid requiring after hour warrants; however, HIPAA says charges must be filed with a warrant in order for medical professionals to notify of discharge. Judge Stephanie Morrell said this same issue has previously occurred with Boone Hospital.

*Judge Carol England left at 5:56 p.m.*

Judge Kevin Crane said at the presiding judges meeting, there are different schools of thought, but it was addressed that when someone is issued a ticket, the ticket is not a summons. The argument is since the charge is not yet filed by the prosecutor, the ticket is not a summons. If a person does not appear for their court date on the ticket, a capias cannot be issued without first issuing a summons. Boone County Circuit Clerk Christy Blakemore said she has advised the sheriff of this in case they have to serve additional summons; however, Judge Stephanie Morrell said in looking at the rule, she believes the summons can be mailed. It was agreed by all that the summons can be mailed. There was also discussion about having the required language from a summons included on a notice of entry, adding the charge, and having the clerk sign it, therefore making the notice a summons. A new process was discussed if a defendant fails to show for arraignment, a summons be sent versus sending two notices and then a summons. It was noted the court date would need to be set out 30 to 45 days to allow time for the summons to be issued. It was further requested that statistics be kept regarding the new process. Christy said the clerk will follow whatever process the judge's docket entry dictates.

Judge Brouck Jacobs said the art committee met, which includes the president of the Boone County Bar, Commissioner Janet Thompson, and himself. He said the committee is proposing to designate each of the three floors of the courthouse to three different agencies, the Columbia Public Schools, the Columbia Art League, and the Historical Society, allowing them space to curate art. Those agencies would then rotate the art as they desire. Judge Jacobs will review the art after it has been displayed. He said the art

committee will also address any complaints. He is asking for this topic to be on the Court en Banc agenda next month for approval.

Judge Sue Crane asked that Court Administrator Mary Epping share the Callaway County video link available to the community regarding the propositions on the upcoming ballot.

**16. Comments from the Public**

None.

**17. Meeting Date**

The next meeting is scheduled for December 3, 2019, at 5:30 in Callaway, which will include the Callaway Bar dinner at 5:00 p.m. Judge Jeff Harris moved to adjourn.

Second: Judge Brouck Jacobs. The motion passed unanimously. The meeting adjourned at 6:05 p.m.

Prepared by: Cindy Garrett  
Cindy Garrett  
Deputy Court Administrator

Submitted by: Mary Epping  
Mary Epping  
Court Administrator

Distributed on: 11/27/19