

**COURT EN BANC MINUTES**  
**Tuesday, March 23, 2021, at 5:00 p.m.**  
**Webex Video Conference**

**Judges Present:** Judges Brouck Jacobs, Jeff Harris, Josh Devine, Kimberly Shaw, Carol England, Sue Crane, Tracy Gonzalez, Leslie Schneider, Stephanie Morrell, and Commissioners Sara Miller and Casey Clevenger

**Others Present:** Boone County Circuit Clerk Christy Blakemore, Callaway County Circuit Clerk Megan Morse, Adult Court Services Supervisor Brandon Walker, Court Marshal Ben Pruett, District Defender Sarah Aplin and Assistant District Defender Jeremy Pilkington, District Defender Kathryn Benson, Court Administrator Mary Epping and Deputy Court Administrator Cindy Garrett

**1. Call to Order/Welcome**

The meeting was called to order by Judge Brouck Jacobs at 5:00 p.m.

**2. Introduction of Guests**

Judge Brouck Jacobs welcomed guests.

**3. Approval of February 23, 2021 Minutes**

Judge Stephanie Morrell moved to accept the February 23, 2021 minutes. Second: Judge Leslie Schneider. The motion passed unanimously.

**4. Orders of Destruction**

Deputy Court Administrator Cindy Garrett reported the Boone County Circuit Clerk's office has asked to destroy by shredding the documents on pages 9 and 10 of the Court en Banc's packet. Judge Stephanie Morrell moved to approve the destruction of the records listed. Second: Judge Leslie Schneider. The motion passed unanimously.

**5. Portrait Administrative Order**

Judge Josh Devine said it has come to his attention there are some former judges unable to have their portraits hung as they are practicing law even though they have reached mandatory retirement age. Judge Devine moved to adopt administrative order 07-21 which would replace 15-17. Second: Judge Jeff Harris. There was discussion. Judge Stephanie Morrell said there are judges who have served who are not on the wall. Judge Morrell also voiced the concern that if a past judge is still practicing and appears as counsel for a jury trial with their photo on the wall this would be an issue for discussion. Judge Kimberly Shaw voiced the same concern for someone who is actively practicing law/appearing in the courthouse with their portrait on the wall. Judge Devine said he

feels this issue can be addressed in a trial for a portrait to be temporarily removed. Judge Devine believes in a jury trial the fact of the attorney's prior service as judge would be problematic versus their portrait being present. He said as to the second paragraph of the order, there was no exception in the initial order. Judge Harris said several judges are up in the Supreme Court so he believes if it is good enough for the Supreme Court, it ought to be good enough for our court. Court Administrator Mary Epping noted in the Supreme Court the judges' portraits hung in the courtroom are from the 1800s and those still practicing law are hung in the hallways. Judge Carol England feels there was discussion about this with the prior order and she is opposed to the changes due to the appearance. There was a role call vote: Division 1 yea, Division 2 yea, Division 3 absent, Division 4 yea, Division 5 nay, Division 6 nay, Division 7 nay, Division 9 yea, Division 10 yea, Division 11 nay. The motions passed with a 5-4 vote.

## **6. Docket Changes**

Deputy Court Administrator Cindy Garrett said the following docket changes have been requested to go into effect June 1, 2021:

*Division 3* added a special settings docket for cases set by the judge on the 2<sup>nd</sup> Friday at 9:00 a.m.;

*Division 4* removed the associate civil return docket on the 3<sup>rd</sup> Friday at 9:00 a.m.;

*Division 12* added a 9:00 a.m. treatment court admissions docket and removed the 10:30 a.m. DWI court docket on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday in Boone County, and removed the sanction docket on Friday a.m. and added a 1:30 p.m. termination hearing docket in Callaway County.

Judge Leslie Schneider moved to approve the changes. Second: Judge Josh Devine. The motion passed unanimously.

## **7. Other**

Judge Stephanie Morrell said the clerks and judicial staff are being inundated on calls regarding the use of Webex, especially in traffic court. She said Webex is provided as a courtesy. She believes individuals should be instructed to appear in person if they are unable to login through Webex. Judge Leslie Schneider said she believes pro se and indigent litigants need access to the court, therefore she recommended the process be made less difficult. Boone County Circuit Clerk Christy Blakemore said she had a clerk spend a lot of time assisting an attorney with Webex. It was agreed the court's role is not to serve as technology services for the public. It was suggested directions be added for use of Webex on the court's website. Judge Morrell said they could also include directions on their docket entries for criminal notices. Judge Kimberly Shaw said individuals are also having a difficult time accessing Webex by telephone, noting that most issues are with connectivity. Christy said her staff encourage people to take care of traffic cases online if they plan to plead.



Christy Blakemore said there are occasions when judges will schedule cases on dates and times that are not in the docket schedule. She requested the judge note in their docket entry when they are making a special setting, outside of their regular docket schedule, in an effort to avoid having clerks contact the judge to verify the date and time is accurate

Christy Blakemore asked the circuit judges on felony cases with misdemeanor counts, whether the clerk should assume the misdemeanor counts are unsupervised. Judge Josh Devine said his entry should indicate if it is supervised or unsupervised. Judge Brouck Jacobs said he does not indicate it in his entry as he assumed it was controlled with the DOC sentence. Judge Jeff Harris said he typically asks probation and parole if the case will be supervised and he will include in his docket entry. He does not believe it should be assumed it is unsupervised as probation and parole will typical sort that out if there is a mistake in the entry. Judge Jacobs said he will try to be more specific in his order. It was agreed circuit judges will discuss to be more consistent.

Christy Blakemore said she has previously informed the Court en Banc of SB 366 and HB 807, which are bills the circuit clerk association had drafted to clean up language as to circuit clerks' duties verses the presiding judges' duties. She said there was a hearing in the house a couple of weeks ago. Christy said tomorrow the bill will be heard in the Senate. She will keep the Court en Banc posted with additional updates.

Judge Brouck Jacobs recognized Ben Pruett for his years of service with the circuit, most recently as our Court Marshal. He said Ben has brought a new level of professionalism to the office. Ben was thanked for his years of service. Ben will continue to provide fire arms training to our court marshal staff.

**8. Comments from the Public**

No comments from the public.

**9. Next Meeting Date**

The next meeting is scheduled for April 20, 2021, at 5:00 p.m. by hybrid at this time. Judge Leslie Schneider moved to adjourn. Second: Judge Stephanie Morrell. The motion passed unanimously. The meeting adjourned at 5:28 p.m.

Prepared by: \_\_\_\_\_  
Cindy Garrett  
Deputy Court Administrator

Submitted by:  \_\_\_\_\_  
Mary Epping  
Court Administrator

Distributed on: 4-16-2021