

COURT EN BANC MINUTES
Tuesday, May 18, 2021, at 5:00 p.m.
Webex Video Conference & In Person
Ceremonial Courtroom – Boone County Courthouse

Judges Present: Judges Brouck Jacobs, Kevin Crane, 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 and Unit Manager Sherry Seiling, Callaway County Circuit Clerk Megan Morse, Callaway County Prosecuting Attorney Chris Wilson, Boone County Assistant Prosecuting Attorney Jessica Caldera, Court Marshal Cody Oseth, Adult Court Services Supervisor Brandon Walker, Court Reporter Diana Taylor, Law Intern Bryce Tobin, 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 guest.

3. Approval of April 20, 2021 Minutes

Judge Stephanie Morrell moved to accept the April 20, 2021 minutes. Second: Judge Kimberly Shaw. The motion passed unanimously.

4. Orders for Destruction

Deputy Court Administrator Cindy Garrett reported the Boone County Circuit Clerk's office has asked to destroy by shredding the documents on pages 3 and 4 of the Court en Banc's packet. Judge Tracy Gonzalez moved to approve the destruction of the records listed. Second: Judge Kimberly Shaw. The motion passed unanimously.

Court Administrator Mary Epping said Boone County Clerk Brianna Lennon was going through a warehouse and found hundreds of boxes marked as "court reporters." Court Reporter Diana Taylor and Mary reviewed the boxes and were able to discern they were all steno notes and have creation and available destruction dates listed on each. Diana helped prepare the order on page 6 of the packet which requests that everything on page 7 be shredded. Mary called the Missouri State Archives and they did not want the 211 boxes of steno notes. Even though they are steno notes, because some are confidential cases or would need to be redacted, Diana is recommending they all be shredded and treated as confidential. Mary said we have not destroyed any of these files since 2009 but

will try to be more routine on their destruction; however, after eFiling started, there were no steno notes maintained per SCOM Rule 8. Judge Leslie Schneider moved to approve the destruction of the records listed. Second: Judge Stephanie Morrell. The motion passed unanimously.

5. Missouri Bar Grant

Court Administrator Mary Epping said local attorney Sander Sowers notified the court of funding being offered by the Missouri Bar to assist with access to justice. The application submitted is on pages 8 through 13 of the Court en Banc for Boone and Callaway counties. Mary said our circuit was awarded the grant which includes three carts for video units for Boone County, one cart for Callaway County, and one video device for each jail. Judge Kimberly Shaw moved to approve said purchases with the grant funds. Second: Judge Leslie Schneider. The motion passed unanimously.

6. Circuit Court Budget Committee FY 23 Request

Court Administrator Mary Epping said on May 11 the court had to submit its annual request to the circuit court budget committee for the FY23 budget. She said on page 14 of the Court en Banc packet, it is noted one option is a family court commissioner that is reimbursed, which means paid by the state with the circuit using county or court funds to reimburse the state 100%. Mary said earlier this year there was discussion about obtaining a deputy or part-time traffic court commissioner, however that did not occur as it would require a statutory change. Mary explained in an effort to add judicial officers, this is the most certain way to go about it and would allow us to shift some dockets from different divisions. Mary said the request was submitted for a .5 (half time) commissioner, in part because that is all we thought we needed for a traffic commissioner to effectively assist; but also, there was a requirement to provide evidence to the CCBC of sustainability. Pages 15 and 16 of the Court en Banc packet is the memo submitted that reflects by using the Family Services and Justice and the Law Library funds as allowed by statute, making no changes to revenue or expenditures as they are, we are able to fund this position 75% by Boone, and 25% by Callaway, for 11 years or more.

Mary said she and Judge Jacobs discussed submitting this as it was due May 11 and then obtaining Court en Banc approval. Mary said this position would be part of the judiciary's FY23 budget, meaning it would start July 1, 2022.

Judge Brouck Jacobs said Boone County should get a new associate judge once the county population hits 200,000.

Judge Josh Devine arrived at 5:11 p.m.

Judge Kevin Crane moved to approve the proposal as submitted to CCBC. Second: Judge Stephanie Morrell. The motion passed unanimously.

7. Westlaw Contract

Court Administrator Mary Epping said the circuit is currently paying \$12,500 for Thompson Reuter books. Mary reviewed the current books being purchased with several judges to see which ones could go to electronic means only. After that review, Mary reported we will save approximately \$1,000 by transferring to Westlaw Edge and reduce ordering the hard copy books that are not being used. Mary will submit this request to Westlaw Edge. Due to us saving money, a budget amendment is not necessary.

8. Bill of Costs

Boone County Circuit Clerk Christy Blakemore reminded the court that in May 2020 the Department of Corrections asked Boone County to participate in a pilot program for the online submission for the bill of cost. In July, this was brought to Court en Banc and it was agreed to participate in the pilot. The project was put on hold due to COVID but is now moving forward. Christy said in order to move forward, she needs to know if the signature of the judge on the certificate can be delegated or if the judge will sign each one. Currently a judge signs each bill of costs. Court Administrator Mary Epping said there is a memo on page 17 and 18 of the Court en Banc packet with an example of the bill of cost on pages 19 and 20. She said there is a statute that indicates a judge needs to approve the bill but it does not say there needs to be a signature. There was a discussion that the prosecuting attorney's office uses a stamp for that office's signature. It was noted that page 18, subsection 4, states:

Any county shall convey such proposal to the department, and any such proposal presented by a presiding judge shall include a documented agreement with the proposal by the county governing body, prosecuting attorney, at least one associate circuit judge, and the officer of the county responsible for custody of incarceration of prisoners of the county represented in the proposal.

Christy said there were several courts asked to pilot this program; however, she understands the process will be electronic for the entire state. She said, currently, each judge is provided bill of costs for their own cases. With the new process, all the bill of costs would be in the system and the clerk would email each judge to let them know which cases were theirs so they could go into the system and electronically sign for their cases. The process is finalized with the clerk affixing the electronic seal. Judge Kevin Crane moved that the language say the circuit judge may delegate the signature authority to the circuit clerk. Judge Crane withdrew his own motion. It was agreed the circuit judges will look into the matter and get back with Christy.

9. Other

Deputy Court Administrator Cindy Garrett said at the morning's Criminal Justice Administration Coordination Committee meeting there was discussion about in custody defendants being transported to court. It was noted parties should follow the process in our administrative orders for having inmates transported. Cindy explained in Phase 2 the

court's administrative order said in criminal cases defendants would only be brought to the court in exceptional circumstances and as requested by the attorneys and ordered by the judge presiding over the case. However, as we have moved up in phases the superseding orders did not include language about transporting defendants. There are minutes from the June 2020, CJAC meeting that state the sheriffs agreed to transport if ordered by a judge, which meant the appropriate level of scrutiny had been exercised and all other options were unavailable. Cindy proposed a need for a specific administrative order which she distributed by email to all the judges prior to the meeting. Judge Stephanie Morrell said it appeared the jail is still under the belief they cannot transport and that the prior administrative order is still in. She agreed there needed to be an administrative order and the jail needs at least 24-hour notice. Judge Brouck Jacobs inquired if this order should be for both counties. Judge Morrell said the defense has the right to have their client physically present for evidentiary hearings and bench hearings and for those cases there needs to be a plan for transport; however, she does not believe we should have inmates transported for arraignment or bond hearings unless there is a reason. It was agreed judges can advise Judge Jacobs of any opposition.

Deputy Court Administrator Cindy Garrett said during COVID she and the circuit clerk were assisting at the front doors of the Boone County Courthouse to check people in for court. She was shocked at the number of people who arrived at the courthouse with their cell phone. Many of these individuals have been to the courthouse before and know the policy, but continue to attempt to bring their cell phone in anyway. Individuals reported not having a car, being dropped off, or otherwise not having a place to put their phone. Many end up hiding them in bushes or just setting them outside in the open. Local Court Rule 9.6 was amended in October 2016, to restrict people from bringing cell phones into the Boone County Courthouse and Callaway County Courtrooms with the exception of attorneys, employees, law enforcement, probation and parole, members of the press and others as authorized. Over the years more agencies have been authorized to bring in their cell phones due to be team members of court groups or staffing, or frequently having meetings with court personnel. It is my understanding the primary reason cell phones were banned in our courthouse was due to security as people were using them to video, take photos, and notify others when people were leaving the courthouse. Today, all of those features can now be done with the Apple Watch even when your phone is not with you. People are also using their phones for ADA purposes such as monitoring blood sugar and to control their hearing aids. Also, people have so many options on their phones, such as paying their fines, maintaining their insurance cards (to provide verification to the judge on traffic cases), etc. Cindy asked if the policy should be revisited as a future agenda topic.

Judge Leslie Schneider says she feels we should discuss as technology has expanded. Judge Carol England said the discussion about the cell phone policy started because they interfered with FTR Gold recordings and she is not sure if that is still an issue. Judge Sue Crane suggested the recently appointed Technology Committee discuss the policy and make a recommendation as there are numerous issues involved. Circuit Clerk Christy Blakemore suggested a member of the Court Marshal's office be included in that

discussion. Judge Jacobs said the current Technology Committee has a fairly broad scope and they can take this into account.

Christy Blakemore said her office is going through turnover of staff again. She said since the beginning of the year they have had 11 new staff. They have a new staff member in each division of her office.

10. Comments from the Public

No comments from the public.

11. Next Meeting Date

The next meeting is scheduled for June 22, 2021, at 5:00 p.m., to be held hybrid. The following meeting was scheduled for July 27, 2021, when budget will be presented. Judge Brouck Jacobs said as long as our court is in Phase 4 he believes this meeting needs to be made available via WebEx; however, he hopes in the future to move to in person meetings with Polycom being allowed for judges in Boone and Callaway counties courthouses. Judge Kimberly Shaw moved to adjourn. Second: Judge Tracy Gonzalez. The motion passed unanimously. The meeting adjourned at 5:44 p.m.

Prepared by: Cindy Garrett
Cindy Garrett
Deputy Court Administrator

Submitted by: Mary Epp
Mary Epp
Court Administrator

Distributed on: _____