

COURT EN BANC MINUTES
Tuesday, June 22, 2021, at 5:00 p.m.
Webex Video Conference & In Person
1East Courtroom – Boone County Courthouse

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 and Unit Manager Sherry Seiling, Court Marshal Cody Oseth, Court Reporter Jenni Bosh, Attorney Steve Pratte, 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 May 18, 2021 Minutes

Judge Stephanie Morrell moved to accept the May 18, 2021, minutes. Second: Judge Kimberly Shaw. The motion passed unanimously.

4. Annual Time Standards Report

Court Administrator Mary Epping provided a handout for the annual Time Standards report. She said it is a fiscal year report which entails the time period of July 1, 2019 through June 30, 2020, so the last quarter includes COVID. Mary said the time standards are set out by the Supreme Court and we look at disposition and filing ratio for three years as a comparison. The report compares ourselves to any circuit with a population of more than 200,000, which includes seven other circuits. The case processing time standards are Pursuant to Supreme Court Operating Rule 17.23 which became effective in 2009. These are intended to be goals for circuits to determine their efficiency in processing cases. There are three categories established, but of those we focus on and review the 90% and 95% categories. The 13th Circuit met 3 of 10 case process standards for FY20. By comparison in FY15 the court met 4 standards; in FY16, FY17 and FY18, the circuit met one standard; in FY19 the court met 2 standards; and now in FY20 the circuit met 3 standards. When comparing the 13th Circuit to the other 7 largest circuits, the 16th Circuit met 5 standards and the 23rd and 31st Circuits met 2 standards. Mary then compared the 13th Circuit to the statewide averages, showing a four-year history. In FY20 the circuit exceeded the statewide average in all categories except Associate Criminal. As a circuit, civil filings decreased 5.6% and criminal filings increased 19.7%.

Mary attributed the increase in criminal filings to traffic cases and ordinance violations, which would have included all of the cases that were previously sent to the Fine Collection Center. Overall filings increased for our circuit 8.4%. For the Filing Dispositional Ratio comparisons, Mary said 1.0 or above shows the court is disposing of as many cases as are being filed, noting if the court has more filings than dispositions a backlog is created. For the 13th Circuit, felony disposition had a 1.0 disposition rate and ordinance violations was at 1.12, showing more cases were disposed than filed. Mary noted the remaining charts compare the past five years. Overall, for all case filings compared to dispositions, our circuit was at .91%. There were a total of 29,002 filings for FY20 and 26,310 dispositions. It was noted total filings have increased by almost 20% over the past five years, however personnel capacity has not grown despite cases growing. Judge Brouck Jacobs said he believes the barometer of a healthy circuit is we are able to give people hearing times as they request and trials as they request. Judge Jacobs said he has asked Mary to send monthly reports he receives as presiding judge, to all judges so judges can see how each division is doing. Judge Jacobs would like to see the 13th Circuit receive the O'Toole award which is awarded when a circuit achieves at least 5 of the 10 case processing time standards, and is not more than 5% from achieving the remaining standards.

5. In-Person Court Hearings Notice

Judge Kimberly Shaw said associate circuit judges and Judge Devine have been making entries that as of July 1, 2021, all contested matters need to be in person. They also discussed having all arraignments for non-represented individuals be in person. Judge Shaw recommended that each judges' preferences for in person hearing be posted on the 13th Circuit's website. Deputy Court Administrator Cindy Garrett provided proposed language for the website and each judge's preferences along with a report from the state's Remote Court Appearances Processes and Procedures Workgroup. Judge Shaw said an email was received on June 17, 2021, with an order from Chief Justice George Draper, III, instructing judges to consider allowing vulnerable litigants, witnesses, victims, attorneys and participants to appear remotely, which will continue to be allowed. Judge Stephanie Morrell said individuals may file a request for the hearings to be by video, however there will be a presumption for in person hearings for judges as noted on the handout. It was agreed the approved handout will be posted on the website. It was noted that some people appearing by video have inappropriate attire, have poor internet connection, or individuals claiming to be someone else. Judge Jeff Harris said the circuit's Technology Committee drafted a rule that "unless otherwise ordered by the judge who issued the warrant, if you have an outstanding warrant you have to appear in person." Judge Harris said technology is different in each courtroom and asked that instructions be provided on each bench. Circuit Clerk Christy Blakemore said OSCA is working on programming to provide Webex links through Case.net.

6. Other

Circuit Clerk Christy Blakemore inquired about the new automation process with submitting DOC reimbursement costs. It was agreed Christy will work with circuit judges to finalize this process.

7. Comments from the Public

No comments from the public.

8. Next Meeting Date

The next meeting is scheduled for July 27, 2021, when budget will be presented. Judge Stephanie Morrell moved to adjourn. Second: Judge Kimberly Shaw. The motion passed unanimously. The meeting adjourned at 5:34 p.m.

Prepared by: Cindy Garrett
Cindy Garrett
Deputy Court Administrator

Submitted by: Mary Epping
Mary Epping
Court Administrator

Distributed on: 7-23-2021