

COURT EN BANC MINUTES
Tuesday, April 19, 2022 – 5:00PM
In Person
Callaway County Courthouse

Judges & Commissioners Present:

Brouck Jacobs, Kevin Crane, Josh Devine, Kimberly Shaw, Carol England, Sue Crane, Tracy Gonzalez, Stephanie Morrell, Sara Miller, and Casey Clevenger.

Others Present:

Court Administrator Cindy Garrett, Boone Circuit Clerk Christy Blakemore, Adult Court Services Supervisor Brandon Walker, Jury Supervisor Martin Hoy, Callaway County Circuit Clerk Megan Morse, 11th Circuit Judge Ted House, Fulton Sun Editor Michael Shine, and Deputy Court Administrator Derek Hux.

1. Call to Order / Welcome

The meeting was called to order by Presiding Judge Brouck Jacobs at 5:05PM.

2. Introduction of All Guests - Judge Brouck Jacobs

Presiding Judge Brouck Jacobs noted the attendance of Judge Ted House, and Fulton Sun Editor Michael Shine.

3. Approval of March 15, 2022 Minutes - Judge Brouck Jacobs (Pages 1-6)

No comments about prior minutes. Minutes approved by unanimous consent.

4. Civic Education – Ted House

Retired 11th Circuit Judge Ted House, member of the Missouri Supreme Court Education Committee, gave a presentation about civic education tools and presentations available for judges to use when speaking to groups.

WEBSITE: courts.mo.gov → “Discover Missouri Courts” → “Presentations”

5. Proposed Amendment to LCR 4.1 – Judge Shaw (Page 7)

Judge Kimberly Shaw stated there has been an ongoing problem where a case has been filed, after a period of time dismissed, and then later refiled with a warrant request. The proposed amendment adds to Local Court Rule 4.1 a directive that the prosecutor is to include a prior case number when refiled a case so the court has notice and can act accordingly. This will help to prevent the situation of someone having to post a second bond when they previously posted bond and have been successful while on bond on this same charge.

Judge Shaw moved to accept the proposed amendment. Seconded by Judge Kevin Crane. During discussion Judge Stephanie Morrell raised that this rule could also use a “part C” addressing similar situations where prosecutors are not indicating when they are filing after the bond date, not a re-file but a late file, and the person already posted bond when they were initially arrested. It was agreed Judge Morrell’s proposal will be taken up at a later meeting. Motion passed unanimously.

6. Security Check – Boone County Courthouse – Cindy Garrett (Page 8)

Court Administrator Cindy Garrett reviewed Administrative Order 5-19, signed April 3, 2019, which requires all staff to go through security with the exception of listed employees. On March 20, 2020, previous Court Administrator Mary Epping sent an email to all court employees stating that due to COVID all court staff could bypass the security station through April 17, 2020, however that temporary change never ended. Garrett said that she found no evidence that order 5-19 was ever amended or repealed. Looking at other jurisdictions, there are counties (like Greene) where employees bypass security and others (like St Louis County) where all employees including judges go through security. Court Marshal Andy Bell sent an email in support of continuing the current bypass as it allowed his staff to focus on the general public.

During discussion Boone Circuit Clerk Christy Blakemore said this would have a big impact on her staff, and she is in favor of continuing the current bypass. Judge Kevin Crane said changing back to the old method under 5-19, which he signed, would now effectively be that we are telling employees “we don’t trust you”. He further said due to COVID we had the benefit of being able to see that everything worked well with employees bypassing security. Judge Josh Devine raised the counter-point about the purpose of security at our courthouses and the concern that on day one a new employee can bypass security, while an attorney who has been practicing in Boone county for 30 years and is better known than that new employee still has to wait in line to go through the metal detector. Judge Devine added that the arguments put forth in support of keeping the current bypass have to do with convenience and morale and not about safety. Judge Stephanie Morrell proposed that all new employees should go through security during their probationary period. Judge Carol England added her support to Judge Morrell’s proposal, that once probation was successfully completed then the employee could get the benefit of bypassing security. Discussion continued regarding how security would know who is and who is not on probation. Judge Devine expressed his support for Judge Morrell’s proposal. Commissioner Sara Miller expressed her support for Judge Morrell’s proposal.

Judge Morrell moved that Circuit 13 employees who completed their probationary period may bypass security. Seconded by Judge Tracy Gonzalez, stating that she believes this is a good solution to a contentious issue, and she does not want anyone to think that this is before the CEB in response to something an employee did or because of trust issues about staff. Motion passed unanimously.

7. Failure to Appear for Jury Duty – Martin Hoy (pages 9-11)

Jury Supervisor Martin Hoy stated he was aware of a concern about the inflated numbers of failure to appear. Hoy stated he feels the current process of sending an FTA letter and scheduling them for another term of service is not an effective deterrent. Judge Kimberly Shaw asked if potential jurors receive something which says they can be held in contempt for failure to appear, and Hoy said that wording is included. Hoy asked if the judges wanted a list of people who failed to return the jury questionnaire as the next step should be show cause hearings, Presiding Judge Brouck Jacobs asked that list be sent to him.

8. Victim Impact Panel – Brandon Walker

Adult Court Services Supervisor Brandon Walker stated VIP Inc, the company that has handled victim impact panels in Boone County for the last 30 years, has closed. Walker wanted the court to be aware that now they are directing people to attend the MADD (Mothers Against Drunk Driving) panel that is offered twice a month.

9. Change of Venue – Christy Blakemore

Boone Circuit Clerk Christy Blakemore stated current practice for change of venue is that when a request is made early in the case, the actual change of venue would not be done until at the time of trial for it to be held in Boone County. Blakemore requested the change of venue process happen earlier as it takes hours for her staff to transfer everything into a new case. Discussion was had as to why this does not occur at the time the change of venue is granted. Blakemore suggested to leave processes as they currently are with the goal of having better communication as to when a case is actually ready for trial.

10. CCBC Request FY24 – Judge Brouck Jacobs

Presiding Judge Brouck Jacobs stated there are no requests this year.

11. 13th Circuit Caseload, Comparative Data, & Time Standards

Court Administrator Cindy Garrett explained the time standard data was released for FY21, July 2020 through June 2021. Garrett provided a PowerPoint comparing Circuit 13 to the eight other circuits over population of 200,000. For FY21 the 13th Circuit met the standard for Associate Civil.

COVID was still an impact during this time. Comparing to the other eight circuits, the 16th Circuit met four standards, the 31st met two standards, and the remaining circuits did not meet any standards. Across the state, only the 5th Circuit met the time standard for Associate Criminal. The data showed that a majority of circuits dropped from the previous year across all categories. These standards were last updated in 2009. The 13th Circuit exceeded the statewide averages in six of the ten categories. We were the only circuit of the eight where we disposed of more cases than we filed. Overall filings in Boone are up 6.7% from FY20 and up 12.3% from FY19. In Callaway filings are down 8.6% from FY20 and up 7.8% from FY19.

Discussion was had about how video helped Circuit 13 continue to operate and dispose of cases during COVID when other circuits were at a standstill. Judge Kevin Crane said that recently Supreme Court Justice Draper gave a speech that highlighted Circuit 13 as doing well during COVID. Commissioner Casey Clevenger added that we were the only Circuit that had treatment court grow their numbers during COVID, and that we currently have 3 times the quantity of people in treatment court than what they do in St Louis City.

12. Other - Judge Brouck Jacobs

Judge Kevin Crane brought up that if it is not on the judgment sheet that misdemeanor probation is to be supervised by Adult Court Services, then there is no verification that someone is doing any programs they have been ordered to do. Adult Court Services Supervisor Brandon Walker agreed. Judge Kimberly Shaw added that she orders ACS to supervise probation until those special conditions are completed, then ACS files a motion and the person is put on unsupervised probation.

13. Comments from the Public - Judge Brouck Jacobs

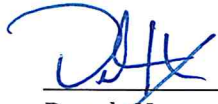
There were no comments from the public.

14. Next Meeting Date

The next meeting of Court En Banc will be on May 17, 2022, in Boone County at 5PM.

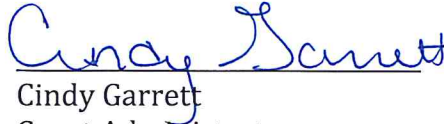
Judge Stephanie Morrell moved to adjourn. Judge Kevin Crane seconded. Motion passed unanimously. Meeting adjourned at 6:29PM.

Prepared by:



Derek Hux
Deputy Court Administrator

Submitted by:



Cindy Garrett
Court Administrator

Distributed on:

5-13-2022