

COURT EN BANC MINUTES

Tuesday, September 19, 2023 at 5:00 p.m.

**Webex Video Conference between Law Library in Boone Courthouse & Jury
Assembly Room in Callaway Justice Center**

Judges & Commissioners Present:

Brouck Jacobs, Kevin Crane, Josh Devine, Kimberly Shaw, Chris Wilson, Sue Crane, Tracy Gonzalez, Sara Miller, Kayla Jackson-Williams, Stephanie Morrell, and Casey Clevenger.

Others Present:

Court Administrator Cindy Garrett, Acting Boone County Circuit Clerk Sherry Terrell, Acting Boone County Circuit Clerk Unit Manager Michelle Cecil, Court Marshal Michael Franks, Boone County Assistant Prosecutors Craig Johnson and Chad Moen, Boone County Recorder of Deeds Bob Nolte, True North Executive Director Michele Snodderley, and Deputy Court Administrator Derek Hux.

1. Call to Order / Welcome

The meeting was called to order by Presiding Judge Brouck Jacobs at 5:00 PM. The meeting used Webex to video conference meeting participants in the Boone County Courthouse Jury Assembly Room with the Callaway Justice Center Jury Assembly Room.

2. Introduction of All Guests

Joining the meeting in Boone County were Boone County Assistant Prosecutors Craig Johnson and Chad Moen, Boone County Recorder of Deeds Bob Nolte, and True North Executive Director Michele Snodderley.

3. Approval of minutes from August 29, 2023

Judge Brouck Jacobs asked if there were additions or corrections to the prior meeting's minutes. Hearing no corrections, the minutes were approved by unanimous consent.

4. Judicial Officer Confidentiality

Boone County Recorder of Deeds Bob Nolte spoke about the Judicial Privacy Act which was passed by the Missouri Legislature and went into effect on August 28. He explained that when a privacy request is filed, that document is removed from public record and it can only be accessed by the judicial official that made the privacy request, which includes restricting the other party in a transaction from having access to the document. Conversation was

had about various scenarios involving trusts and real estate.

5. Order of Destruction of Confidential Records

Deputy Court Administrator Derek Hux presented the records destruction requests from Columbia Municipal Court. Motion to approve by Judge Stephanie Morrell, seconded by Judge Kimberly Shaw. Orders of Destruction approved by unanimous vote.

6. Bond Schedule

Court Administrator Cindy Garrett stated after this topic came up at the last CEB, that she sent the group copies of Administrative Order 08-19 regarding the previously approved procedure for setting bond. Discussion was had about requiring a 24 hour hold for domestic violence defendants prior to posting bond, which is already the practice in Callaway. No motions were made and discussion on this topic will continue at a future time.

7. Filming of Treatment Court

Commissioner Casey Clevenger stated she was contacted by a television production company who is interested in creating an unscripted docuseries that would involve treatment courts. They are interested in filming within the 13th Circuit. Commissioner Clevenger wanted to give the CEB an opportunity to ask questions before discussing this project with other community partners.

8. Sexual Harassment Prevention Committee

Deputy Court Administrator Derek Hux presented the panel of proposed Sexual Harassment Prevention Committee members for approval. The changes from last year is that Brittney Bailey replaces Montey McCain for JJC, and Aaron Hopper replaces Mike Franks for the Marshals. Judge Jacobs called for a vote of approval, and was approved by unanimously.

9. Six Month Municipal Alcohol/Drug Related Traffic Report

Deputy Court Administrator Derek Hux presented a list of the number of alcohol and drug related charges filed in the 13th Circuit municipal courts from January 2023 through June 2023.

10. Automatic Time Payment Fee Assessment

Court Administrator Cindy Garrett stated Show Me Courts now gives the option of opting-in to automatically assessing the time payment fee 30 days after disposition. The Boone Circuit Clerk and Callaway Circuit Clerk are in favor of this being done by SMC rather than them manually adding that fee.

This fee would not be assessed in Juvenile cases. Columbia Municipal would be excluded from us opting in the 13th Circuit as they have not been assessing this time payment fee.

11. Proposed Rule for Confidential Records

Judge Stephanie Morrell offered a proposed rule 72.M – Public Access to Probate Case Records. This rule will help protect probate case documents that contain confidential information. Judge Stephanie Morrell moved that proposed rule 72.M be approved, seconded by Judge Sue Crane. Motion approved by unanimous vote. A second vote was taken that this rule take effect immediately, and that was approved by unanimous vote.

12. Court en Banc Meetings (Administrative Order 09-10)

Judge Brouck Jacobs stated that the current administrative order regarding locations of Court en Banc meetings was done prior to the current technology of video conferencing, and his proposal is that going forward we have all CEB meetings be open to the public in both Boone and Callaway connected by Webex. It is hoped that might increase attendance by the local bar and members of the public.

13. Other

Commissioner Casey Clevenger informed the group there was a change in procedures for Treatment Court termination hearings. When there is a new serious felony laws allegation, and the state is recommending termination, their treatment court participation will be suspended pending the outcome of the probation violation hearing. If they are continued on probation then treatment court will still be available.

Judge Kayla Jackson-Williams raised the issue that some members of the defense bar have not had good communication about whether a defendant needs to be transported from the jail for a hearing and asked whether we can tell them that unless they request transport that the defendant will not be brought over. Discussion was had that the presumption in the rules are that defendants will appear in person for hearings unless personal appearance is waived.

Judge Kayla Jackson-Williams stated the landlord tenant docket is filled with people making motions to raise security levels, and when that happens attorneys are not seeing the case available on their Case.net case listings, even though they are attorneys of record and the case is unresolved. Discussion was had that attorneys of record are supposed to be able see level

3 security cases. Boone Circuit Clerk Sherry Terrell said they have heard similar reports of this problem and it was due to the attorney not being properly logged into Case.net.

14. Comments from the Public

There were no comments from the public.

15. Next Meeting Date

The next meeting of Court En Banc will be on October 17, 2023, in both Boone County and Callaway County.

Hearing no objection, Judge Brouck Jacobs announced the meeting adjourned at 6:04 PM.

Prepared by:



Derek Hux
Deputy Court Administrator

Submitted by:



Cindy Garrett
Court Administrator

Distributed on:

