



# Boone County Bar Association NEWSLETTER

www.bocomobar.org

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## 'White Collar Crime' is topic of May 14 CLE program

"White Collar Crime" will be the topic of a CLE-credit program by CPA Stephen B. Smith at the next BCBA meeting at lunchtime on Wednesday, May 14.

As usual for CLE programs, food service will begin at 11:30 a.m., and the formal meeting will begin about noon. The meeting will be held at Boone Tavern, 811 E. Walnut St. The lunch price is \$9.

**RSVP:** To reserve your spot for this meeting, contact BCBA Secretary **Scott Wilson** at 443-4500 or [scott@hineslawfirm.com](mailto:scott@hineslawfirm.com) by 5 p.m. on Tuesday, May 13.

Steve Smith and his firm, Williams-Keepers, have had substantial experience in helping to investigate several of Mid-Missouri's more notorious white collar crime cases.

His presentation will cover some of the more inventive ways employees have stolen from their employers, as well as some surprising facts about who commits such crimes and how they get away with it. Steve also will discuss how even the simplest precautions could deter most white collar crime and how most employers refuse to believe it could happen to them.

## Judges share views with 75 at Bench-Bar event

About 75 lawyers, judges and courthouse personnel enjoyed the annual Boone-Callaway Bench-Bar Dinner April 29 at the MU Alumni Center.

Before the social hour and dinner, during a "Dialog with the Judges," the circuit judges answered questions posed by bar members.

In response to a question about whether a party can request a jury trial on the day a case has been set for bench trial, Presiding Judge **Gene Hamilton** pointed out that absent an effective jury waiver under Supreme Court Rules 27.01 or 69.01, a party in a circuit criminal or civil case is entitled to a jury trial, unless the case is of a type not triable to a jury. However, he noted that the rules differ somewhat for associate judges and that the volume of cases they handle makes it more difficult to schedule jury trials in their divisions.

Judge Hamilton said the court is pleased with the docket schedule changes made in the recent past which separated civil and criminal matters and also separated in-custody and public defender cases from those in which defendants are represented by private counsel. More "fine-tuning" of the dockets may occur in the future, he added.

Two schedule changes will

become effective July 1 as a result of bar members' questions. Judge Hamilton said preliminary hearings before associate judges will be set at 2:30 instead of 2 p.m. Associate Judge **Chris Kelly** announced a similar change – starting in July civil trials in his Division 10 on Tuesdays and Wednesdays also will be set at 2:30 instead of 2 p.m.

However, Judge Kelly said that a suggestion to add an additional return day each week for Chapter 517 cases will not be implemented because "the work is getting done" on the current two return dockets per week.

Family Court Presiding Judge **Cary Augustine** addressed several issues raised about Juvenile Court. In regard to scheduling concerns, he suggested that lawyers file consents for simple matters to avoid hearings and that they request a trial setting and submit conflicts if they see a need for a contested hearing. He recommended that lawyers discuss cases with the juvenile officers at least the day before juvenile dockets because the officers are usually too busy to confer on hearing days. He added that an effort is being made to have DFS reports made available sooner. Finally, he said the proposed remodeling of the Courthouse may address complaints about the lack of

waiting areas for juvenile court proceedings.

Judge Augustine announced that a system of "contract lawyers" to act as guardians ad litem and attorneys for parents in juvenile cases has already been started in Callaway County and will be implemented in Boone County in July. The contracting lawyers agree to accept a certain number of cases per year at a set fee per case. Detailed notices about the new program will be sent out in the near future.

Judge Hamilton noted that planning for remodeling and possible expansion of the Courthouse is in the very early stages. He said he will appoint a committee including bar members to make recommendations on the project.

Responding to a bar comment that the past procedure for submitting trial conflict dates was confusing, Judge Hamilton announced a new policy (**see separate story on back page**).

In response to the BCBA Family Law Committee's recommendations on settlement conferences, Judge Hamilton said the court likely will implement the suggestion that parties not be required to attend, so long as they can be contacted if necessary. However, the judges are split on whether to make the conferences voluntary, so that

recommendation will not be implemented at this time.

Judge Hamilton noted that the court is planning to implement new procedures for collection of fines and costs in criminal cases. An outline of the court's tentative plan appears on the BCBA web site at [www.bocomobar.org/news.htm](http://www.bocomobar.org/news.htm).

Judge Hamilton noted that Judge **Christine Carpenter** was not able to attend the Bench-Bar Dinner because her national recognition as a Drug Court proponent resulted in an invitation to speak on the subject to an Arizona Supreme Court conference. He also praised her work in setting up the new Mental Health Court.

In closing, Judge Hamilton praised the bar's coordination with the court under President **Betty Wilson** and noted that a number of changes already have been made based on bar recommendations.

After the informational session, those attending the event enjoyed a social hour and dinner. Entertainment was provided by a lively folk music group, "People's Republic of Klezmerica," resulting in a couple of impromptu dance lines including lawyers, courthouse clerks, and even a judge or two.

Next year's Bench-Bar Dinner will be hosted by the Callaway County Bar Association.

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The Boone County Bar Association Newsletter is published monthly, more or less, by the Boone County Bar Association, Inc. Annual dues are \$40 and may be sent to the Treasurer, **Bob Buckley**, P.O. Box 1097, Columbia, MO 65205-1097, phone 449-2613. Send items for publication to the Editor, **Steve Scott**, 201 Westwood Ave., Columbia, MO 65203-2871, phone 442-7268, fax 443-1676, email [sscott@scottlawfirm.com](mailto:sscott@scottlawfirm.com). 2002-03 officers of the Association are: President, **Betty Wilson**, P.O. Box 977, 443-3134; Vice President, **Elton Fay**, 11 N. 5th St., 449-2969; Secretary, **Scott Wilson**, 901 E. Ash St., 443-4500; and Treasurer, **Bob Buckley**, address above. Executive Committee members are the officers and **Dan Atwill, Mariam Decker** and **Colly Durley**. The Association's web site is at [www.bocomobar.org](http://www.bocomobar.org).

## New conflicts policy announced

Effective immediately, all trial-setting conflict dates for Boone and Callaway counties are to be submitted to Marla Gunn in the Circuit Judges' Office at the Boone County Courthouse, Presiding Judge Gene Hamilton announced at the Bench-Bar Dinner on April 29.

The new policy was announced in response to a question submitted to the court by the bar concerning procedures for submitting conflicts. The bar's question noted that under former procedures, conflicts had to be submitted to different people for different types of cases, resulting in confusion.

Under the new policy, conflicts submitted to Marla will be distributed by her to the personnel who set various types of cases. To facilitate this process, submissions should note: (a) Whether the conflict dates are for particular types of cases; (b) whether they relate to a specific case; and (c) whether they are for Boone County, Callaway County, or both. All submissions should be **cumulative** and not just state new conflicts since the last list.

Conflicts should be submitted

**in writing** to Marla either by letter (mailed or delivered), fax or email, as follows: Marla Gunn, Circuit Judges' Office, Boone County Courthouse, 705 E. Walnut St., Columbia, MO 65201-4448, fax 573-886-4070, [marla\\_gunn@osca.state.mo.us](mailto:marla_gunn@osca.state.mo.us).

Because there are at least two Circuit Civil, Family Court and Felony Criminal setting dockets each month, lawyers should plan to submit conflicts **on or before** the first Monday and **on or before** the third Monday. Weekly submissions are appropriate for lawyers who frequently practice before the Associate Circuit Judges because their dockets are set on a weekly basis.

Judge Hamilton reminded bar members of the requirements of Local Rule 36.4, which provides: "Counsel who are not present at docket call, in person or by local counsel, or who do not provide conflicts in writing prior to docket call, will be deemed to have consented to such settings. **If more than ten (10) days are shown as conflicts in any calendar month, all conflicts shall be specified with particularity.**"

## Around the Bar . . .

**Jean Goldstein** of Hindman & Goldstein will receive the Hazel Riback Volunteer Award recognizing her 20 years of service on the board of the Voluntary Action Center at the VAC's "Spring into Action" event at Sophia's, 3915 S. Providence Rd., at 5:30 p.m. May 27. Bar members are welcome to attend and can obtain tickets by calling Susan McQuilkin at 256-7757, ext. 202. Tickets are \$50.

**Danieal Miller** has moved his office to 10 Southampton Dr., Suite B, Columbia 65203. His phone and fax numbers remain 443-1645 and 874-3159, respectively.

**Lori Green's** office is now located at 1201 W. Broadway, Columbia 65203. Her new phone and fax numbers are 443-6003 and 875-5108, respectively.

## 38 still owe 2003 BCBA dues

Of 291 dues-paying members, only 38 had not paid 2003 BCBA dues by May 2. About 40 members paid after a recent reminder mailing.

Those who have not paid by the next meeting date, May 14, will be removed from the mailing list, the group email list and the BCBA web site.

Dues payments of \$40 should be sent to BCBA Treasurer **Bob Buckley** at P.O. Box 1097, Columbia, MO 65205.

Treasurer's Report by Bob Buckley	
Account balance as of 4/11/03 .....	\$5,113.80
<b>Receipts 4/11/03 - 5/2/03</b>	
Dues.....	+1,525.00
<b>Disbursements 4/11/03 - 5/2/03</b>	
Accent Press (Newsletter printing) .....	-66.83
Midwest Mailing (Newsletter mailing) .....	-78.91
Partners in Education banquet tickets .....	-90.00
Bank service charge.....	-1.00
<b>Account balance as of 5/2/03 .....</b>	<b>\$6,402.06</b>