



Boone County Bar Association NEWSLETTER

www.bocomobar.org

April 5, 2004

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Whitmarsh to discuss budget cuts at April 14 meeting

How state budget cuts the past three years have affected the Circuit Clerk's office will be among topics discussed by Circuit Clerk Cheryl Whitmarsh at the next regular BCBA meeting on Wednesday, April 14.

The meeting will start at noon on April 14 at Boone Tavern, 811 E. Walnut St. The lunch

price will be \$9, payable to the restaurant.

RSVP: To reserve your spot for this meeting, contact BCBA Secretary **Steve Pratte** at 442-0116 or scpratte@yahoo.com.

Among other topics Cheryl is expected to address are the structure of her office, procedures used in her office, com-

mon problems found with filings, and how lawyers can help the clerks be more efficient.

The Executive Committee is actively seeking suggestions for future programs. Among ideas being considered are programs on expert witnesses, toxic mold, and immigration as it affects family law cases. Feedback on

these ideas as well as additional suggestions should be emailed to sscott@scottlawfirm.com.

We have been having a continuing program with some lawyers not paying for their lunches at our regular meetings. Please be sure to put your \$9 cash or check payment on the table before you leave.

You owe dues if you see an asterisk

Check the mailing label on this issue of the *Newsletter*—if there is an asterisk behind your name, you are one of 66 BCBA members who have not yet paid 2004 dues out of a total dues-paying membership of 293.

If you find an asterisk behind your name, be sure to send in your dues by April 30. After that date, those who have not paid will be stricken from the membership rolls and will no longer receive the mailed *Newsletter* or email notices.

Dues payments of \$40 per lawyer should be sent to BCBA Treasurer **Rachael Kennedy** at 1203 W. Broadway, Columbia, MO 65203-2125. Make checks payable to "Boone County Bar Association, Inc."

Dues are waived for sitting and retired judges and for members who have been licensed in Missouri for at least 50 years or who are 75 years of age or older.

Around the bar . . .

Gov. Bob Holden has appointed **Betty Wilson** to chair the Missouri Arts Council. She has served on the council since 1999 and was previously vice-chair.

Correction: **Janet Bezler's** phone and fax numbers were incorrect in the last *Newsletter*. They are 445-3974 and 447-3435, respectively.

Tonnie Martin recently moved to a home office in Columbia. Her mailing address is PMB 152, 3305 Clark Lane, Columbia 65202. Her phone and fax are 886-2088 and 474-8599, respectively.

Steven Berry, an assistant Boone County prosecutor, recently joined the BCBA. He received undergraduate and law degrees from MU in 1995 and 1999 and previously was an assistant prosecutor in Franklin County southwest of St. Louis.

Michael L. Selby is a new associate at **Ford, Parshall & Baker, LLC**. He is a 2003 graduate of the MU Law School.

Sarah Reed can provide a telephone link at her office for two American Arbitration Assn. programs which qualify for Missouri CLE credit: "Minimizing Challenges to Arbitration Awards" from 9 to 10 a.m. April 23 and "Breaking the Impasse: Moving from Stalemate to Settlement in Mediation" from 9 to 10 a.m. May 4. The charge would be about \$45. For information call Sarah at 447-2349.

Dewey Crepeau still has office space available at 2501 W. Ash St., Columbia. Some equipment and secretarial service may be available. Call Dewey at 445-9435.

Dave Evans still has office space available at 717 Cherry St., Columbia for a single attorney to share a secretary. Also included are supplies, postage, fax, copier, and Internet connection. Call Dave at 449-8430.

Real-time reporting available soon

Real-time trial transcripts soon will be available for Division II trials in the Ceremonial Courtroom at the Boone County Courthouse, Judge **Gary Oxenhandler** has announced.

Using court-provided laptop computers, attorneys will be able to instantly view testimony, make notes, and mark passages for later use in examining witnesses.

The Ceremonial Courtroom has been wired for the project, and testing of the network will begin shortly. Demonstrations of the system will be announced after testing is complete.

Mediation training scheduled May 7

The 13th Circuit will offer a training program titled "Mediation in the 13th Circuit" for mediators and family law attorneys from 8:45 a.m. to 4 p.m. on Friday, May 7 at Lenoir Community Center, 1 Hourigan Dr.

The program will cost \$20 and is approved for CLE credit. Registration is limited to 35 attendees, and priority will be given to mediators and family law lawyers. A brochure describing the program and a registration form are posted on the BCBA web site.

BCBA President's notes

As we watch the legislature struggle with budget issues that will impact all of us, I find it encouraging that some legislators are willing to step forward and "tell it like it is" rather than playing politics with our future and that of our children.

We need to actively encourage our Boone County legislators to make the tough choices necessary for our government to be more efficient.

On April 14 we will have the opportunity to hear our Circuit Clerk, Cheryl Whitmarsh, talk

about the challenges in her office since budget cuts began three years ago.

We will also have a report April 14 on the high school mock trial teams we recently sponsored.

—Elton Fay

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The Boone County Bar Association Newsletter is published monthly, more or less, by the Boone County Bar Association, Inc. 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. Annual dues are \$40 and may be sent to the Treasurer, **Rachael Kennedy**, 1203 W. Broadway, Columbia, MO 65203-2125, phone 256-7205. BCBA officers for 2003-04 are: President, **Elton Fay**, 11 N. 5th St., 449-2969; Vice President, Judge **Jodie Asel**, Boone County Courthouse, 886-4050; Secretary, **Steve Pratte**, 205 E. Forest Ave., 442-0116; and Treasurer, **Rachael Kennedy**, address above. Executive Committee members are the officers and **Betty Wilson**, **Leslie Clay** and **Tom Davis**. The BCBA web site is at www.bocomobar.org.

100 attend Bench-Bar Dinner in Fulton on March 8

About 100 lawyers, judges and court staff members attended the March 8 Bench-Bar Dinner at the Fulton Country Club.

One notable absentee was Court Administrator **Bob Perry**, who had open-heart surgery that day and is recovering well. He was already planning to retire in May, and Presiding Judge **Gene Hamilton** announced the court will sponsor a retirement reception for him on May 27.

Before an excellent meal, the judges answered questions posed by the bar, and those attending had an opportunity to mingle during a social period.

During the question period, in response to a question about giving more out-of-court time to Family Court Commissioner **Sara Miller** to rule on cases taken under advisement, Judge Hamilton said this issue already has been addressed by moving three of her dockets to other divisions.

Judge Hamilton said the court does not have the resources to regularly schedule multi-day family law cases on consecutive days, but Commissioner Miller added that she can sometimes accommodate consecutive days during the fifth week of a month

if the parties alert her well before the trial date that more than one day will be needed.

Mental Health Court Judge **Christine Carpenter**, responding to a question about the new coordinator for the court, predicted the screening process for participants will be somewhat more "open-door" and that some persons with an assault history may be accepted now.

According to Judge **Jodie Asel**, criminal lawyers' concerns about in-court requests by prosecutors to modify bond conditions without a hearing have been mostly resolved by the new bond schedule which includes certain conditions as part of the schedule, such as no-contact orders. Judge **Chris Kelly** said if a defendant asks for a hearing on bond conditions, he will grant it.

Regarding changes in criminal dockets, Judge Hamilton noted he has implemented a closed criminal docket on the fourth Monday and welcomes further suggestions on how to improve scheduling of criminal dockets.

Answering a question about probation services provided by Court Services, Judge Hamilton

noted that budget cuts have forced Probation and Parole to stop supervising misdemeanor probation. The role of Court Services in these cases will be to supervise community service and ensure payment of fines and costs.

The judges agreed there is little that can be done to alleviate problems with *pro se* litigants in family law and other cases, but that it is appropriate to hold them to the same rules as lawyers. Judge Hamilton suggested the bar consider developing a program to provide representation to *pro se* litigants because the court does not have the power to appoint lawyers in civil cases.

Judge Kelly said he has no plans to schedule additional return dockets because the work is getting done on the two days per week now scheduled. However, he said he welcomes suggestions for speeding up returns.

Judge Hamilton said the court is willing to consider form interrogatories for family law cases and a court-approved HIPAA-compliant medical authorization form if they are submitted by the bar.

Treasurer's Report by Rachael Kennedy

Account balance as of 2/20/04	\$9,129.12
Receipts 2/20/04 - 4/2/04	
Interest	+0.71
Dues	+945.00
Bench-Bar Dinner	+1,880.00
Disbursements 2/20/04 - 4/2/04	
Accent Press (Newsletter printing)	-70.53
Midwest Mailing (Newsletter mailing)	-75.04
Boone Tavern (unpaid and guest lunches)	-114.61
Boone Tavern (Executive Committee)	-25.00
Fulton Country Club (Bench-Bar Dinner)	-1,520.00
Newsletter Editor/Webmaster (Jan-Mar)	-375.00
High school mock trial competition expenses	-900.00
Account balance as of 4/2/04	\$8,874.65