

**COURT EN BANC MINUTES
Tuesday, March 10, 2015, at 5:00 p.m.
Boone County Courthouse
Law Library**

Judges Present: Judges Christine Carpenter, Jodie Asel, Kevin Crane, Leslie Schneider, Carol England, Michael Bradley, Sue Crane, Kimberly Shaw, and Sara Miller

Others Present: Boone County Circuit Clerk Christy Blakemore, Callaway County Circuit Clerk Judy Groner, Adult Court Services Supervisor Brandon Walker, Technology Services Supervisor Steve Smith, Court Marshal Les Werner, Court Administrator Mary Epping, and Deputy Court Administrator Cindy Garrett.

1. Call to Order/Welcome

The meeting was called to order at 5:00 p.m. by Judge Christine Carpenter.

2. Introduction of All Guests

Judge Christine Carpenter welcomed guests.

3. Approval of the February 3, 2015, Minutes

The minutes were amended under On-Call Procedure, to strike the last two sentences of the final paragraph and add the following statement: "No change was made."

Judge Kevin Crane moved to accept the February 3, 2015, minutes as amended. Second: Judge Jodie Asel. The motion passed unanimously.

4. Destruction of Records – Boone County Circuit Clerk

Deputy Court Administrator Cindy Garrett reported the Boone County Circuit Clerk's office has asked to destroy by shredding the documents on pages 4&5 of the Court en Banc's package. Judge Leslie Schneider moved to approve the destruction of the records listed. Second: Judge Kimberly Shaw. The motion passed unanimously.

5. Legislation

Court Administrator Mary Epping provided an update on pending legislation. Callaway Circuit Clerk Judy Groner was recognized as doing an excellent job in working with Senator Jeanie Riddle to get SB 532 filed, which would allow Callaway County a state paid Court Marshal. Mary reported there was recently an article about the expansion of the SORTS program, which helps evidence the need for a state paid Callaway County Court Marshal as there may be more cases in Callaway. Judy provided an update

regarding SB 532 that at a public forum in city hall was held with Senator Riddle. The Senator felt the bill may not make it through as a stand-alone bill but that it may be added onto another bill. Mary said she contacted Boone County lobbyists today and is waiting to hear back in an effort to get appropriations filed for the 13th Circuit to get a Drug Court Commissioner. Language was removed from the statute last year that allowed our circuit to have a Drug Court Commissioner. Judge Christine Carpenter spoke with OSCA and learned it would be July 2016 if we went through the CCBC process; therefore, attempts are being made through legislation. Mary said HB 717 requires the Court to go through the Public Administrator to appoint a GAL in abuse and neglect cases. Mary spoke with the Boone lobbyists about this as both the Boone and Callaway County Public Administrators are opposed to this bill. The Callaway Public Administrator stated she would need to request another FTE should the bill pass and has therefore spoken with County Commission. Mary stated it appears all Public Administrators are generally opposing this bill and hopeful it will not move forward. Judge Leslie Schneider spoke with Betsy Aubuchon and she reported the bill is virtually a deal. Mary reported HB 355 was filed by Representative Caleb Jones and would allow an attorney to file, by paper, if in the courthouse. Boone County Circuit Clerk Christy Blakemore said Rep. Jones indicated he is no longer pushing this bill. Mary updated the Court en Banc on several other bills, and asked the judges to let her know if there were other specific bills they wanted her to follow.

6. Annual Report of Time Standards

Court Administrator Mary Epping reported pages 6-9 of the Court en Banc packet is the annual time standards report. Mary thanked Pat Edelen for her help in pulling the numbers together. These numbers were released in early February 2015. Mary stated we compare our circuit with the other seven judicial circuits in the state that have a population of at least 200,000. Judge Christine Carpenter noted we are the eighth largest circuit in the state. Mary said the standards went into effect in 2009 via Supreme Court Operating Rule 17.23. All categories of cases are broken down into 90% disposed of and 95% disposed of. For FY14, the circuit only met three of the standards, which is lower than in the past, however many of the other comparable circuits are not meeting the standard either. It was noted we are basically staying static with our percentages. Judge Leslie Schneider noted she and Commissioner Miller have a plan to increase a percentage or two. Mary reported one way to approach to improve the numbers is by using case age reports. There was discussion about having a meeting to review the reports. Mary said that compared to the state, the 13th Circuit is at or above the State average for case processing in all categories except three. Boone County filings decreased in every category except Probate cases, where there was a 2.8% increase. There was discussion about the traffic filings being down. Boone County Circuit Clerk Christy Blakemore stated she would check with the fine and collection center to see if they saw an increase for fines paid in circuit, which could correlate to less filings. In Callaway County Probate cases increased 66%. Overall many case types in Callaway increased in

percentage, however total case filings decreased. In terms of the filing and disposition ratio, Mary noted it is ideal to be at a one or above. Anytime it is below one it causes a back log of cases. Callaway County has been below one in the last few years, however has been in the upper 90's in all those years. All noted there are no repercussions from the state if you do not meet the standards.

7. OSCA Reports

Court Administrator Mary Epping reported there are reports provided to the judges from OSCA and Boone County. She wanted to ensure that with changes in administration, that the judges are continuing to get the same reports as in the past. Reports include: case age report, cases taken under advisement report, and quarterly report showing outstanding cases. All noted they are getting these reports. Mary noted she receives a Boone County Correction population report, which includes a list of everyone in jail, how long they have been there and their charges. Judges indicate they receive an individual report for their cases of defendants who are in jail and how long they have been in jail. Judge Kimberly Shaw indicated she is interested in getting the full report. Mary asked if there are other reports that were previously provided and are no longer receiving to please follow-up with her. Judge Deborah Daniels inquired as to if Adult Court Services receives a report of defendants in custody. Mary stated she will verify with Adult Court Supervisor Brandon Walker to ensure they both get this report.

8. Media

a. Twitter and Cell Phone Use

Court Administrator Mary Epping reported a couple of issues have recently occurred that she wanted to bring to everyone's attention. First, there have been a few incidents where reporters were using cell phones in the courtroom. One videographer took a photo with her cell phone in the courtroom and tweeted it. Another reporter interviewed a victim's sister in the middle of the 3rd floor hallway. Mary and Deputy Court Administrator Cindy Garrett are meeting with staff from KOMU on Wednesday to discuss these issues and ensure they know policy, procedures and rules. Mary said a reporter from the Tribune advised they thought the judges were allowing tweeting from the courtroom. Mary reiterated this is not allowed and the Court Marshal's will take their cell phone if they see it happen. Reporters have been told they must exit the courtroom during a break and then tweet outside the courtroom. Mary asked the Court en Banc to let her know if they are made aware of on-going issues and she will address it with the agencies. Mary said she will visit the media outlets with Cindy, and reinforce the rules.

b. Microphones/Audio Issues

Mary said media outlets were reporting microphone and audio issues. KMIZ and KOMU reported having problems with the mult box in the Ceremonial courtroom. Mary stated when the courtroom is powered on the default state for press feed is "mute" so the judge has to proactively go in and unmute it. Mary has asked reporters to go in early and check before court begins. It was requested that Court Marshal Les Werner ensure all court marshals are as proactive as possible on the issue. Mary noted staff from the Missourian

also reported problems where they could not hear the judge or attorneys. They requested the Judge remind attorneys when media is in the room of the need to use the microphone.

9. Boone County Court Audit Updates

Boone County Circuit Clerk Christy Blakemore reported the audit is finishing up. One issue the auditor has brought to their attention is checks were being taken from attorneys in the court room on disposed criminal cases. This process has been changed and all attorneys should be directed to the accounting clerk's office. Christy sent a letter to the Bar advising them of this change. In civil cases when a settlement is announced attorneys can continue to hand each other checks in the courtroom.

10. Marriage Licenses

Judge Christine Carpenter received a phone call from the Boone County Recorder of Deeds stating she anticipated a large number of applications for marriage licenses in the future and wondered if the court had a contingency plan should this occur. Judge Carpenter stated there is no real contingency plan; however, the Court en Banc is aware of the issue and many judges have volunteered to help. This will include all valid marriage licenses, not just special groups. There was discussion regarding the normal wedding dockets and many judges feel we should be more accommodating to our citizens and do more frequent weddings. Several judges have stated they are willing to do more frequent weddings on an on-going basis in both Boone and Callaway counties. Another concern noted is staff telling people they must have a Boone or Callaway county license for weddings to be performed. Judge Carpenter stated staff should be trained to indicate it is not the law for them to have a Boone or Callaway County license, however the Court is responsible for filing the marriage certificate in the county the license was received. Therefore, it is a local custom for us to request a Boone County marriage license in Boone and Callaway County marriage license in Callaway. The schedule will be reviewed in an effort to schedule additional wedding dockets and accommodations will be made should a large group come in at any one time. Judge Carpenter thanked all for their cooperation.

11. Bond Forms

Judge Michael Bradley noted the bond investigation forms, home detention forms and parole report, have the race of the defendant listed. He proposed eliminating that field as the race is not needed when making a decision. He believes there are enough other identifiers to verify the correct defendant. Judge Bradley moved to remove the race from all the adult court services forms that go to the judges. Second: Judge Carol England. The motion passed unanimously. Adult Court Services Supervisor Brandon Walker said he would get those forms updated. Updating Callaway County's form may take a little longer.

12. Veterans Court Video

Judge Gary Oxenhandler requested the Veterans United video be played at the meeting. Court Administrator Mary Epping reported Veterans United Foundation is the agency that provided funding for our Veterans Treatment Court. They have staff that do media work and they created a video on one of our graduates to send out to the foundation. The video was played. Everyone felt this was a great video.

13. Municipal Court Six Month Intoxication-Related Offenses Report

Deputy Court Administrator Cindy Garrett presented the Municipal Courts report for July through December 2014, on intoxication-related offenses as set out on page 14 of the Court's packet. The report was reviewed. Judge Michael Bradley asked Cindy to follow-up on the Violation Bureau Citations from Hallsville. No other action was requested.

14. Callaway Law Library Fund, Metal Detector

Court Administrator Mary Epping said she and Les Werner met with the Callaway County Commission last week regarding their metal detector. It is not working properly and needs to be replaced. Mary reported in 2014 Court Administration took part in the Callaway County Security committee and agreed the Callaway Law Library fund could be used to help purchase new security equipment. The new metal detector can be part of the new security system which will include an x-ray machine, similar to the one in Boone County. Mary is proposing we use the Callaway Law Library fund to purchase the metal detector with an anticipated cost of \$4,975. She said at end of 2014 the Callaway Law Library Fund had a balance of \$56,904. Judge Kevin Crane moved to approve the purchase. Second: Judge Leslie Schneider. The motion passed unanimously.

15. Bench Bar Meeting, April 14, 2015

Judge Christine Carpenter stated the Bench Bar Meeting is scheduled for April 14, 2015. The location and time are currently unknown, however Mary Epping will follow-up with Josh Oxenhandler and send out an e-mail with the location and time.

16. Other

Judge Christine Carpenter stated there was a suggestion to include Municipal Judges to the Court En Banc meeting. It was noted Municipal Judges would not be voting members. It was agreed to invite all Municipal Judges. Court Administrator Mary Epping noted there is legislation pending that would prohibit prosecuting attorneys or assistant prosecuting attorneys from being Municipal Judges. It was agreed to send the open notice of Court En Banc meetings to all Municipal Judges.

Mary reported several unused furniture items will be sent to surplus. She requested that she be notified of any additional items. Mary also noted at the last Court en Banc, she spoke briefly about using Boone Law Library funds for the Ground Floor Video/Audio issue in Boone County. She has been working with County Purchasing on an RFP. The County Auditor requested that Mary ask the Court En Banc if the Court would consider waiting to release this RFP until 2016. The Court en Banc agreed we should proceed with the RFP and not wait until 2016 as the Ground Floor courtroom is currently out of commission for any needs of video. Mary explained this will mean the court will have to do a budget amendment with the county. It was requested we proceed with RFP and then revisit.

17. Comments from the Public

Boone County Circuit Clerk Christy Blakemore indicated the clerks are having their legislative meeting on Wednesday and if there are requests to speak to anyone, to please let her know.

18. Next Meeting Date

The next meeting was scheduled for April 7, 2015, at 5:30 p.m. to convene in the Callaway County Courthouse.

Judge Kevin Crane moved to adjourn. Second: Judge Michael Bradley. Adjourned at 6:00 p.m.

Prepared by: Cindy Garrett
Cindy Garrett
Deputy Court Administrator

Submitted by: Mary Epping Distributed on: 4/3/15
Mary Epping
Court Administrator