

**COURT EN BANC MINUTES
Tuesday, December 15, 2015, at 5:30 p.m.
Callaway County Courthouse
Jury Assembly Room**

Judges Present: Judges Christine Carpenter, Kevin Crane, Gary Oxenhandler, Deborah Daniels, Leslie Schneider, Carol England, Kimberly Shaw, Sue Crane, Michael Bradley, Commissioners Sara Miller and Casey Clevenger.

Others Present: Callaway County Circuit Clerk Judy Groner, Boone County Circuit Clerk Christy Blakemore, Callaway County Prosecuting Attorney Chris Wilson, Callaway County Assistant Prosecuting Attorney Ben Miller, Adult Court Services Supervisor Brandon Walker, Technology Services Supervisor Steve Smith, Court Administrator Mary Epping, and Deputy Court Administrator Cindy Garrett.

1. Call to Order/Welcome

The meeting was called to order at 6:20 p.m. by Judge Christine Carpenter.

2. Introduction of All Guests

Judge Christine Carpenter introduced and welcomed guests.

3. Approval of the November 3, 2015, Minutes

Judge Gary Oxenhandler moved to accept the November 3, 2015, minutes. Second: Judge Kimberly Shaw. The motion passed unanimously.

4. Destruction of Records – Boone County Circuit Court

Deputy Court Administrator Cindy Garrett said the Boone County Circuit Clerk's office has asked to destroy by shredding the documents on pages 6 and 7 of the Court en Banc's packet. Judge Gary Oxenhandler moved to approve the destruction of the records listed. Second: Judge Kimberly Shaw. The motion passed unanimously.

5. In-custody Defendants' Rights to Appear

Judge Christine Carpenter reported this was a topic on the jail overcrowding agenda in December and she felt it was most appropriate for the Court en Banc meeting. Judge Michael Bradley reported a rare situation where a defendant was in jail, unable to post bond, and an attorney filed an entry of appearance, therefore the defendant was not arraigned by video and was instead set for counsel status hearing approximately two weeks later. Judge Bradley felt it was best served for the defendant to be brought in front of a judge and have a bond investigation prior to the counsel status hearing. After discussion it was agreed a memo would be sent to the criminal bar committee, noting we have seen this arise a couple of times and remind them when filing a waiver of formal arraignment and plea of not guilty for clients in jail, they should also request a bond investigation. Judge Deborah Daniels also noted she had a case where the defendant was sent to Department of Corrections on a case without being arraigned on a new case.

6. Update on Old Debt, Boone County

Boone County Circuit Clerk Christy Blakemore provided an update on the administrative order allowing the Boone County clerk to write off debt older than 10 year. She reported there was approximately 2.3 million worth of debt older than 10 years. The process is tedious and the clerk has completed 191 receipts which totals \$65,000 in debt. Christy noted it will take some time to complete the paperwork to write off this debt; however her staff will continue to work on it.

7. Technology

- a. **On-Call** – Judge Kevin Crane said he used the iPad on-call process this past week. Judge Crane noted when working with PDF Expert the new, filled out PDF will be sent in a new email. When sending an e-mail, judges need to enter within the subject line “<secure>” to ensure the e-mail is sent through the secure e-mail system. Technology Services Supervisor Steve Smith created instructions on how to use “mark-up and reply” in PDF Expert. Judge Crane believes PDF Expert is the easiest as you can write, stamp, and type. He encouraged judges to practice on the dummy order. There is also a stylus to use when signing your name on the iPad. Deputy Court Administrator Cindy Garrett also drafted an update on the on-call fax procedures booklet that was handed out for all to review. The booklet has the iPad e-mail address, names of groups that were developed for the different types of orders and e-mail addresses for the prosecuting attorneys. Judge Crane requested that Cindy be notified of any additional changes within the next ten days. Judge Crane reminded all that the back-up plan remains the fax procedures.
- b. **Out of Office Policy** – Judge Christine Carpenter requested when out of the office judges clearly outline to court staff, including clerks, expectations on receiving and responding to e-mail, phone calls, etc. Anyone may enable their out of office notification through Lotus Notes which can be tailored to indicate specific information. Technology Services Supervisor Steve Smith can assist in setting this up.

8. 2016 Revisor of Statutes

Court Administrator Mary Epping said the Revisor of Statutes has advised they will be printing full set of statutes at the end of 2016. This will include the 2017 criminal code. It has been requested that reservations be sent as to the number we want printed. The cost will depend upon the total number being printed. They anticipate a cost of \$300 - \$400, with the highest being \$500. On page 8 of the Court en Banc packet is a list of what has been used in the past to order summaries. Mary wanted to verify the list is accurate as to ordering complete sets. Judge Oxenhandler requested one be added for Division II. No other revisions were noted. Please let Mary know of any additional changes by Friday.

9. Reappointment of the Board of Jail Visitors

Judge Kimberly Shaw said Christopher Braddock has agreed to be a member of the board of jail visitors for Boone County, as a male democrat. Judge Carol England has not yet found a male democrat to fill the Callaway vacancy. It was requested that an e-mail message be sent by Judge England once she has found someone to fill the Callaway County Board of Jail Visitors. Judge Gary Oxenhandler moved for the appointment of Christopher Braddock to the Boone County Jail Board. Second: Judge Kevin Crane. The motion passed unanimously.

10. Strategic Plan for Court Funds

Court Administrator Mary Epping said she is working on a strategic plan for all the court funds, as recommended in the Boone County audit and by the county auditor. She plans to present these at the January Court en Banc meeting but she wanted to inquire of the Court en Banc of suggestions they might have for use of the funds. Judge Gary Oxenhandler requested that Mary provide a list of the funds, the balance of the funds, and what the funds statutorily can be used for including items that are excluded. Mary reported some thoughts to date include monitors outside the courtroom and a sound system in the ceremonial courtroom in Callaway county. Judge Carol England recommended an additional polycom for Callaway County. Judge Sue Crane recommended there be consideration to making the jury assembly room in Callaway an additional courtroom.

11. 2016 Docket Schedule

Court Administrator Mary Epping thanked everyone for their patience and feedback with regard to the 2016 docket schedule. The goals were to incorporate Division XII and to make adjustments as needed to accurately reflect court schedules. The proposed docket has been sent to the prosecutors, the public defenders, contract attorneys and both bars. Mary has not received any feedback from any of these agencies or groups. Mary reported the docket is approved by administrative order.

12. Budget and Personnel Updates

Court Administrator Mary Epping reported the Domestic Violence Coordinator has been vacant and, due to the grant being pending, we chose not to post the position. However, Mary has since received notification from Department of Public Safety that grant funds have been approved for the next two year and therefore the position will be posted in the near future. Mary also noted the Callaway Court Marshal Sergeant position has been posted and first round interviews will be occurring later this week. This position will be appointed by the presiding judge. Steve Lake is retiring from the Deputy Court Marshal II position in Boone County so that position will need to be filled.

13. Administrative Order 16-13 – Probation Services to be provided by Boone County Adult Court Services

Court Administrator Mary Epping referenced pages 18-20 in the Court en Banc's packet. This order is in reference to probation services provided by Boone County Adult Court Services. Due to changes in charge codes, page 19 shows the update reflecting the charge codes as well as minor wording on page 18 to accurately reflect the statutory changes. The other change is to remove Exhibit B, located on page 20. Mary said it was brought to her attention that Exhibit B is no longer being used since the changes were made to the sentence and judgment form completed by the judge. There was discussion regarding the conditions of Exhibit B not all being listed on the judgement form within the courtroom. Mary asked if the Court en Banc would be more comfortable amending only page 19, leaving the language that was struck and removing the bold language on page 18 and she will then follow-up with Circuit Clerk Christy Blakemore and Adult Court Services Supervisor Brandon Walker to determine how the form on page 20 can best be implemented back into the process.

14. 2016 Training Calendar Dates

Judge Christine Carpenter reported she sent an e-mail regarding judicial colleges in 2016 as she wants to have everyone make their decision now as to the training they wish to attend, by letting Susan Tatters know. Susan will then get back with everyone should it be unbalanced as it is difficult having only one judge on-call and one judge within the courthouse to cover dockets.

15. Other

Judge Christine Carpenter welcomed Commissioner Casey Clevenger to the Court en Banc.

Judge Michael Bradley thanked everyone for helping to cover his dockets last week while he was unavailable.

16. Comments from the Public

None.

17. Next Meeting Date

The next meeting is scheduled for January 12, 2016, at 5:00 p.m. to convene in the Boone County Courthouse, Law Library.

Prepared by: Cindy Garrett
Cindy Garrett
Deputy Court Administrator

Submitted by: Mary Epping
Mary Epping
Court Administrator

Distributed on: 1/8/16