

**COURT EN BANC MINUTES
Tuesday, January 12, 2016, at 5:00 p.m.
Boone County Courthouse
Law Library**

Judges Present: Judges Christine Carpenter, Kevin Crane, Jodie Asel, 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, Adult Court Services Supervisor Brandon Walker, 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 December 15, 2015 Minutes

Judge Michael Bradley moved to accept the December 15, 2015, minutes. Second: Judge Jodie Asel. 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 5 and 6 of the Court en Banc's packet. Judge Kimberly Shaw moved to approve the destruction of the records listed. Second: Judge Jodie Asel. The motion passed unanimously.

5. Appointment of Juvenile Officer and Callaway Court Marshal

Court Administrator Mary Epping reported there is an administrative order, on page 9 of the Court en Banc's packet, which has to do with the appointment of positions within the courthouse. The Callaway County Court Marshal Sergeant position is a new appointment that needs to be added to the order, which is the presiding judge's appointment. Another recommended change is in reference to Supreme Court Operating Rule 14.01 dated December 16, 2015, on page 7 of the Court en Banc's packet. Subsection (b) of the order states "Each presiding judge shall ensure that any case in the family court or juvenile court divisions in which a juvenile officer is a participant is not heard by a judge who is the appointing authority for the juvenile officer and/or other necessary juvenile employees." This order is the Supreme Court's reaction to the Department of Justice

investigation of St. Louis family court and their concerns of the family court judge appointing or supervising the Juvenile Officer. The order is effective April 1, 2016. The statute regarding appointment of the Juvenile Officer is on page 8 of the Court en Banc's packet. Section 211.351, RSMo, states the juvenile court shall appoint the juvenile officer. Section 211.021, RSMo, defines Juvenile Court. OSCA has interpreted this statute to mean any other division in the circuit could make that appointment to avoid the conflict of juvenile or family court judge making the appointment. The recommendation is noted on page 9 of the Court en Banc's packet, to where the Family Court Judge is no longer the appointing authority over the juvenile officer and instead paragraph 1 would read "1) The Court Administrator, Juvenile Officer, and Callaway Sergeant shall be appointed by the presiding judge with the advice and consent of the Court en Banc." There was discussion and Judge Leslie Schneider shared some other circuits' concerns. Judge Schneider's recommendation to Mary and Judge Carpenter was to be proactive and proceed with changing our administrative order to have the presiding judge be the appointing authority of the juvenile officer verses the family court judge. Judge Carpenter noted there were a lot of upset individuals across the state regarding the Supreme Court order. There are jurisdictions feeling it will be difficult due to minimal number of judges within individual circuits along with many hypothetical situations. Judge Schneider moved to make the changes to the Administrative Order as recommended. Second: Judge Kevin Crane. The motion passed unanimously.

6. Callaway Juror Numbers

Court Administrator Mary Epping noted currently 75 jurors are called in Callaway County for a two week period. This past year, there were only 5 jury trials. However, in December there was a back to back trial and there was concern if we would have enough individuals called. Mary asked whether more names should be drawn in the case of there being back to back trials or if we continue with the current practice of drawing 75 jurors. It was also reported that should more be individuals be needed and notice is given, Marla could arrange for additional jurors. It was recommended practice remain as is with 75 jurors.

7. 2015 Missouri Revised Statutes

Court Administrator Mary Epping noted on page 10 of the Court en Banc's packet is a list of what has been used to order revised statutes in the past. She wanted to verify this was still accurate for the 2015 supplements. All agreed the list is accurate.

8. On-Call Procedures Booklet Update

Judge Kevin Crane noted he and others continue to work through glitches as we transition to the iPad versus fax machine. Judge Crane noted the most important page for the judges is page 7 of the on-call booklet. On page 7 of the booklet it now notes specifically you must email the prosecuting attorney and the group email box for arrest warrants. You must continue to type the entire e-mail as noted on page 7. It was noted you may get an error message, however proceed as it will correctly send the email. Boone County jail

staff indicated they will fill out the forms and send them by email. However, if you choose to use a fax machine, then the jail will ask that you complete the forms. It was noted the Columbia Police Department does not have a group email box and therefore individual officers will be emailed. It was requested that page 10 of the booklet be updated to match the preference of phone numbers to the on-call schedule that is sent out with numbers to contact for each judge. The instructions for the hot spot are also within the iPad carrier. It was approved to distribute the on-call procedures with noted changes. The booklet is used by other agencies as well.

9. Reappointment of the Board of Jail Visitors

Judge Carol England stated Graham McCaulley has agreed to be a member of the Board of Jail Visitors for Callaway County, and is a male democrat. Judge Kevin Crane moved for the appointment of Graham McCaulley to the Callaway County Jail Board. Second: Judge Carol England. The motion passed unanimously. Mary Epping noted there was a question last month regarding the chair of the committee and the statute states the board appoints the chair, therefore the Boone Jail Board will be advised they need to appoint a chair.

10. Strategic Plan for Court Funds

Court Administrator Mary Epping said these plans are based on the strong suggestion of the Boone County auditor and the recommendation of the state auditor to have a clear strategic plan for each fund. This includes a plan for the following funds: Administration of Justice, Family Services & Justice, Law Library, Drug Court and Veterans Court. Mary provided a handout of a plan for each fund. She noted this will be an ongoing developing plan, with the goal of it being a five and ten year plan. Currently the handout shows the anticipated fund balance at the end of 2015 with one to three year goals. Prior to the holidays Mary sent an email with the statutory authority of receiving the funds, spending the funds and any prohibitions on use of the funds as well as the fund balances. Mary noted this is a living document and therefore does not need a final approval from the Court en Banc however she would like to know if the court is opposed to any of the goals. Each fund was reviewed individually. There was discussion about using Drug Court funds to help offset the cost of public defender representation and for medication for clients. Mary said these plans will be incorporated into the budget.

11. Budget

a. Boone County Circuit Clerk Christy Blakemore said \$10 garnishment fee started being collected in 2015 for anyone filing a garnishment and are deposited into a fund controlled by the clerk. Christy allowed this fund to build for the purpose of paying for microfilming documents in underground storage. There was a recent mistake made on a garnishment where someone received money they should not have. Normally, with similar mistakes, Christy would use the interest money from the garnishment fees to fix the mistake and work to recoup the funds from the individual who should not have received them. The last time this was done, the auditor questioned the bookkeeping, and

therefore a new line item is being made under the garnishment fund of approximately \$2,000 to use for similar mistakes. This was done as a budget amendment for 2016. The garnishment fee fund currently has a balance of approximately \$22,000, however they anticipate this decreasing due to the change with now having continuous garnishments.

b. Court Administrator Mary Epping requested the Court en Banc's approval to purchase two complete set of the 2016 Revised Statutes from the law library fund for the Boone County and Callaway County clerks offices. Judge Leslie Schneider moved to purchase the 2016 Revised Statutes. Second: Judge Kevin Crane. The motion passed unanimously.

Mary reported all bids have been received for the video conferencing equipment for the ground floor courtroom. Mary had previously requested the Court en Banc to approve funds up to \$50,000 for the upgrade, based upon the 2South equipment installed in 2013, which was \$51,769.00. When Boone County asked for the final and best offer, the lowest bid came in at \$86,080, from the same company that completed the work in 2South. The next lowest bid was \$91,321, from the same company that completed the technology work in the ceremonial courtroom. There are some changes from the bid in 2South, including removal of the old equipment from the ground floor courtroom, but otherwise it is not clear why there is a significant increase from 2013. Mary requested approval to spend this increased amount. Judge Leslie Schneider moved to approve increasing the amount used to send on video conferencing equipment in the ground floor courtroom to \$86,080. Second: Judge Deborah Daniels. There was discussion about the bid including a warranty and concerns about ongoing problems with the technology. It was suggested we ensure we are being provided the most up to date technology and question more on the equipment being installed, notwithstanding approving use of the funds. It was noted in Boone County there is an increase in video dockets and a decrease in trials. Globally concerns were voiced on our need to be diligent as we move forward. The motion passed unanimously.

12. 2016 Work Objectives

Court Administrator Mary Epping provided an update to the accomplishments for 2015. Those included: funding for a Drug Court Commissioner and a state-paid Court Marshal Callaway; Youth Day in Boone County; Veterans Grant; microphone upgrade in 3West; becoming fully staffed; JJC building able to be "staff secure" for day treatment program; and Active Shooter training in Boone County.

Mary reported her work objectives for 2016 to include:

- 1) Juvenile Division: Implementation of Juvenile Standards once published and monitoring legislation.
- 2) Alternative Sentencing:
 - Veterans Treatment Court going multi-jurisdictional
 - Family Drug Court for Callaway
- 3) Legislation:

Monitoring Juvenile Court and pushing to get legislation changed to approve the state paid court marshal, funding also part of OSCA core budget, pre-filing has already been accomplished

4) Continue to review all programs, policies and procedures to ensure updates are made as needed.

5) Implement eJuror

13. Other

Court Administrator Mary Epping said the wireless network in the Callaway County courthouse is being updated.

Adult Court Services supervisor Brandon Walker said they are currently experiencing a shortage of cell TAD units and it is taking 4-6 days to receive units.

Judge Gary Oxenhandler left the meeting at 6:12 p.m.

Boone County Circuit Clerk Christy Blakemore reported her office has written off \$132,000 of previously approved old debt. They have approximately two million left to write off. She also reported in 2015 her office collected a total of \$2,200 for charities through staff contributions.

Judge Christine Carpenter asked Christy if their office had noticed a change in filings for DWI 1st degree within the past six months. Christy said she would check into this and report back.

14. Comments from the Public

None.

15. Next Meeting Date

The next meeting is scheduled for February 9, 2016, at 5:00 p.m. to convene in the Boone County Courthouse, Law Library.

Prepared by:

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Cindy Garrett
Deputy Court Administrator

Submitted by:

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Mary Epping
Court Administrator

Distributed on:

2/5/16