

**COURT EN BANC MINUTES  
Tuesday, April 4, 2017, at 5:00 p.m.  
Callaway County Courthouse  
Jury Assembly Room, Second Floor**

**Judges Present:** Judges Christine Carpenter, Jeff Harris, Kevin Crane, Jodie Asel, Kimberly Shaw, Carol England, Leslie Schneider, Commissioners Sara Miller and Casey Clevenger, and Columbia Municipal Court Judge Cavanaugh Noce.

**Others Present:** Boone County Circuit Clerk Christy Blakemore, Callaway County Circuit Clerk Judy Groner, Adult Court Services Supervisor Brandon Walker, Callaway County Prosecuting Attorney Chris Wilson and Assistant Prosecutor Ben Miller, 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 Kevin Crane.

**2. Introduction of All Guests**

Judge Kevin Crane welcomed and introduced guests.

*Skipped to #5*

**3. Approval of the February 28, 2017 Minutes**

Judge Leslie Schneider moved to accept the February 28, 2017, minutes. Second: Judge Kimberly Shaw. The motion passed unanimously.

**4. Destruction of Records – Boone County Circuit Courts**

Deputy Court Administrator Cindy Garrett reported the Boone County Circuit Clerk's office has asked to destroy by shredding the documents on pages 7-9 of the Court en Banc's packet. Judge Christine Carpenter moved to approve the destruction of the records listed. Second: Judge Carol England. The motion passed unanimously.

Boone County Circuit Clerk Christy Blakemore said her office included in their 2017 budget for outsourcing the scanning of juvenile files that were in underground storage. They are up to 1983 and they anticipate by the end of the year to have a large bulk of these files filmed and no longer in storage.

*Skipped to #7*

**5. Administrative Order – 18-15 Probation Services to be Provided by Boone County Adult Court Services**

*Judge Carol England arrived at 5:03 p.m.*

Deputy Court Administrator Cindy Garrett referenced pages 10-15 of the Court en Banc's packet. She noted pages 10-12 is the current administrative order and attachments for the cases in which Adult Court Services provides supervision. Page 13 is the proposed updated administrative order, noting one additional change under B.1., deleting the words "Exhibit B" through the end of the sentence, and replacing it with "judgment." Page 14 of the Court en Banc's packet is the updated Attached A which reflects the new criminal codes. An updated judgment sheet handout was provided, highlighting those items added. On the revised judgment sheet, the conditions of "not occupy a private motor vehicle after consuming intoxicants" and "lien filed for public defender fees, defendant consents to judgment and judgment signed" were removed. Page 15 of the packet is a form used by Adult Court Services staff that is maintained within their file but not part of the court's file.

**6. Legislative Update**

*Commissioner Casey Clevenger and Callaway Circuit Clerk Judy Groner arrived @ 5:10 p.m.*

*Judge Jeff Harris arrived at 5:12 p.m.*

*Judge Leslie Schneider arrived at 5:15 p.m.*

Court Administrator Mary Epping said the only bill that has been truly agreed and finally passed and signed by the governor is the expert witness bill, which becomes effective on August 28, 2017. Mary provided a handout of the bill. The bill passed new standards for vetting expert witnesses in jury trials, which allows judges to decide whether expert testimony is based on reliable facts and "reliable principals and methods." She noted it is a stricter standard than currently used for expert testimony. This is the first bill based that affects the court directly. Other bills Mary has been following include SB99, which allows the court to place a person on electronic monitoring with victim notification if the person has been charged with or found guilty of violating an order of protection. This bill is on the calendar for senate perfection. SJR11 proposes a constitutional amendment that if approved by qualified voters, provides when there is a judicial vacancy under the nonpartisan plan, the governor gets to appoint from the list of all applicants. There were many bills Mary had concerns about, that appear to not be passing, which includes a bill regarding the juvenile officer being elected; and bills regarding "Raise the Age" may instead have an interim study conducted to see what costs should be associated. Mary said in anticipation of "Raise the Age" passing next year we can determine locally what impact this will have for us, what programming needs we have, and is an opportunity to do more internal examination. The 21st century workforce is the \$12 million OSCA has asked for to increase salaries for clerks and juvenile officers. It is anticipated this will not pass, and the only increase to the judiciary will be with the drug courts, where they are



getting an additional \$1.5 million. The bill to split the 13<sup>th</sup> Circuit has not moved. Mary noted Judge Daniels was concerned about SB513 and its impact on 491 hearings and discovery, however the lobbyist believes this bill is also dead. There was a bill that affected jury pay increase, to be \$27.00 versus the current \$6.00. It is believe this bill has also died. There were a couple bills that would have impacted municipal courts, one that would have raised the filing fee from \$12.00 to \$17.50. It is anticipated this will not pass, however with any ominous bill moving, things could be tacked on. Mary will continue to try to monitor bills that are moving towards being passed. SB81 repeals the provision that community service work alternatives used by municipal courts may be offered at no cost to the defendants. Judge Cavanaugh Noce noted this bill is a concern for many as some communities cannot afford to do community service work at no cost, therefore the defendant has to pay to complete community service. Lastly SB177, makes offenders who owe court costs or restitution or who have not fulfilled certain other conditions, ineligible for early release for earned compliance credit. This bill is on the calendar for perfection in the senate.

*Returned to Item #3*

#### **7. Municipal Court Prosecuting Attorney Portal**

Boone County Circuit Clerk Christy Blakemore said many municipalities do not have a way for their prosecutors to electronically file documents with the court. OSCA has created a PA portal, which allows prosecutors to file information electronically with the courts. Christy would like to require prosecutors in the municipalities to use the portal when it is up and running. Court Administrator Mary Epping said this would be for the municipalities who are asking that associate circuit judges hear the municipal cases in the state courthouses. The clerk is therefore taking on additional responsibilities and would like to require the process be automated. The PA portal is being piloted now. Christy will keep the court apprised as to when the portal is available for all courts to use, at which time she would like to request that all municipalities on JIS be mandated to use the portal.

#### **8. MOU for Prosecuting Attorney Filing**

Circuit Clerk Christy Blakemore said Boone County is supposed to go live tomorrow with the prosecutor's office for a program that allows the prosecutor to electronically file their initial filing documents. Starting tomorrow, if all goes well, the clerk's office would receive the charging documents electronically, therefore eliminating the need to wait for the hard copies and then scanning them into the system. The process would work similar to when attorneys are filing documents with the clerk. There still needs to be discussion on how to handle on-call charges. Currently they anticipate the on-call and warrant process to remain as is currently done. Christy said Boone County is the 14<sup>th</sup> court to go live with this process. Callaway County has been doing this process as a pilot site.

**9. Hallsville Municipal Court**

Deputy Court Administrator Cindy Garrett said she was notified by Hallsville Municipal Clerk Kenyetta Ridgeway that their Board of Alderman voted in March to have all Hallsville municipal court cases transferred to the Associate Circuit Court. Pages 16 and 17 of the Court en Banc's packet is a checklist provided by OSCA on the process when cases are being transferred from a Municipal Court to an Associate Court. The Hallsville clerk, court administration and circuit clerk staff are currently working to complete all the tasks of this checklist. The plan is for cases to be transferred after the May 22<sup>nd</sup> docket in Hallsville, with the first docket being held by Judge Kimberly Shaw on June 13, and thereafter on the 2<sup>nd</sup> Tuesday of each month at 9:00 a.m., with Ashland and Sturgeon municipal cases.

**10. 2018 Budget Schedule**

Court Administrator Mary Epping said every April we try to set the calendar for the budget and presentation. She proposed July 25 as the Court en Banc meeting to present the budget. It was requested that Mary send an e-mail to the Court en Banc to confirm a date for this meeting. A presentation has to be made by August 15 to the county commissioners and auditor, therefore she has to have the Court en Banc's approval prior to that date.

**11. Bench Bar Meeting**

Judge Kevin Crane said Boone County Bar president, Marjorie Lewis, called with the meeting date of April 24<sup>th</sup> from 5:30-7:30 at the Broadway Hotel. The court will pay for all court staff who wants to attend.

**12. Other**

Judge Carol England said Judge Sue Crane asked that all be thanked for help in covering her dockets this week.

Judge Kevin Crane asked if the clerks' offices were aware of the complication with probation and parole SAR reports being changed back to a higher level after a deployment. This appears to be a statewide issue and OSCA is working to fix the error.

Commissioner Casey Clevenger inquired about the Wi-Fi access in the jury room in the Callaway County courthouse. She said her treatment courts are proceeding with going paperless, however they have limited access to Wi-Fi in the jury room. Court Administrator Mary Epping said she brought an extender, however it is not currently working so she will trouble shoot that option. Mary said it will cost about \$800 to permanently fix the Wi-Fi and this money was not budgeted. The prosecuting attorney's office said they have their own wireless network. They offered to give the team access if

our IT department could create a VPN for the team through a guest site. Our court members would then have to use their RAS token to access the court's network.

**13. Comments from the Public**

None.

**14. Next Meeting Date**

The next meeting is scheduled for May 2, 2017, in Boone County at 5:00 p.m. to convene in the Boone County Courthouse, Law Library. Meeting was adjourned at 5:37 p.m.

Prepared by: Cindy Garrett  
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Submitted by: Mary Epping  
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