

**COURT EN BANC MINUTES
Tuesday, December 12, at 5:30 p.m.
Callaway County Courthouse
Jury Assembly Room, Second Floor**

Judges Present: Judges J. Hasbrouck Jacobs, Kevin Crane, Jeff Harris, Jodie Asel, Kimberly Shaw, Carol England, Sue Crane, Michael Bradley, Deborah Daniels, Commissioner Casey Clevenger, and Columbia Municipal Court Judge Cavanaugh Noce.

Others Present: Boone County Circuit Clerk Christy Blakemore, Callaway County Deputy Circuit Clerk Megan Morse, Court Services Supervisor Brandon Walker, Callaway Prosecuting Attorney Chris Wilson, and Deputy Court Administrator Cindy Garrett.

1. Call to Order/Welcome

The meeting was called to order at 5:45 p.m. by Judge Kevin Crane.

2. Introduction of All Guests

Judge Kevin Crane welcomed guests.

3. Approval of the October 17, 2017 Minutes

Judge Kimberly Shaw moved to accept the October 17, 2017, minutes. Second: Judge Sue Crane. The motion passed unanimously.

4. Destruction of Records

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

5. Drug Court Co-Occurring Track Funding

Commissioner Casey Clevenger said she met with the director of Family Counseling Center and Whitney Hines, a counselor at Family Counselor Center, regarding community health funds they have available. Family Counseling Center is wanting to partner with drug court for use of the funds. It was decided to create a co-occurring track for Boone County drug court which will offer mental health services to the participants. Family Counseling Center, through the grant they have received, will pay for psychiatric services, therapy, groups, and medication for the participants. A MOU will be signed with Family Counseling Center for the services and a press release will be made in January as the track will start in January. Commissioner Clevenger said there are currently 90 participants in drug court in Boone County.

6. Change in Warrant

Judge Kevin Crane said judges routinely receive e-mails from the Prosecuting Attorney's office regarding individuals in custody in foreign jurisdictions on a local warrant. The e-mail from the Prosecuting Attorney will note the case number, the original charge, and ask if the judge wants to extradite. The judge has to consider the age of the case, the type of case and the current situation with the defendant, including where they are located and how they came in contact with law enforcement. If the judge does not want to extradite, they need to change the parameters of the warrant in order for the foreign state to allow the defendant to be released.

7. Jury Questionnaire

Judge Kevin Crane said years ago the Court en Banc voted that we would not ask prospective panel members their race on the jury questionnaire, as they felt it removed the randomness. We are now a pilot for Show Me Juror where the questionnaire is completed online. On page 6 of the court en banc packet is the new questionnaire approved by the Supreme Court which is consistent with the online questionnaire in Show Me Juror. There are some additional questions, which our jurisdiction did not previously ask, including questions #10, #13 was #15. Judge Crane said that those jurisdictions using Show Me Juror have to use the approved jury questionnaire and eventually Show Me Juror will be statewide. It was noted currently when judges are asked to excuse someone from jury duty based on information they present on their questionnaire, the judge does not see the race of the individual and they would prefer that remain the process. It was discussed we should not opt out of Show Me Juror, however we should further inquire as to why the focus group and Supreme Court felt it was important for race to be included on the juror questionnaire. Judge Jeff Harris said he is not comfortable departing from what we presently ask without a better understanding of the rationale behind the Supreme Court approving this form as to the question on race. Judge Sue Crane asked what the form would look like when it came to the judge to excuse jurors, once the forms becomes automated. It was asked if there is a way for the race answer to not be seen by the judge when they have to make the decision of excusing individuals from jury service. It was noted we do not want our staff removing race but to see if the computer can exclude it when printing out the questionnaire for the judge to review. Deputy Court Administrator Cindy Garrett said a response from OSCA to our questions stated "the eJuror system is a one system fits all approach. Some questions may not be needed by all courts, but are programmed into the system". Judge Deborah Daniels said she felt the best method to provide critique to the form would be to participate in the pilot project and send correspondence back. Judge Kevin Crane said you do not want any argument that an excuse has been granted or denied due to the race of an individual. Judge Daniels moved for the 13th Circuit to participate as a pilot program in Show Me Juror. Judge Harris asked if by participating as a pilot does it mean we have to, as a course of that participation, use the attached survey, to which it was agreed yes we would have to use the survey noted on page 6. Judge Harris said this form is a departure from what this court determined several years ago to not include race on the survey. The motion was seconded by Judge Carol England. Judge Harris voiced further that he felt it was unwise to adopt this form that includes race as a question until we as a body have additional information as to why it was included. Judge Kevin Crane said we will seek out additional information as we can continue to withdraw from the pilot at any time. The vote was called for. The motion passed by majority.

8. 2017 RSMo Supplement

Deputy Court Administrator Cindy Garrett said the attachment on page 8 of the Court en Banc packet shows a list of 2016 Supplements for revised Statutes of Missouri that were ordered. She requested to know if everyone wished for the same number of 2017 supplements to the 2016 Revised Statutes of Missouri to be ordered. It was noted a supplement is ordered for each

courtroom and one for the law library. It was agreed the order would be placed based upon the list noted on page 8 of the Court en Banc packet.

9. Attorney Microphone in 3 West

Deputy Court Administrator Cindy Garrett said the attorney table microphones in 3 West were originally configured so that tapping a button at the base of the microphone would toggle it off and leave it off. Tapping the button again would toggle it back on. It was found that attorneys may turn off the microphone for a private conversation but forget to turn it back on again which caused an issue when recording the proceeding through FTR and/or there is a video conference in progress and the far-end cannot hear that attorney.

To alleviate this issue in early November those two microphones were reconfigured so they remain on. However, the attorney may PUSH AND HOLD the mute button to TEMPORARILY mute the microphone. When the button is released it will go back on again.

10. Update on 2E and 2W Renovation

Deputy Court Administrator Cindy Garrett said construction in 2 East is now complete and ready for use. Carpet will be installed in the judge's and witness area later in the week. They will begin construction in 2 West on Thursday. The contractors are reporting they will have a larger crew working on this courtroom and hope to have it completed in about a week.

11. Reappointment of Board of Jail Visitors

Judge Kevin Crane said that page 9 of the Court en Banc packet lists the proposed members for the Boone Board of Jail Visitors. Jo Mooney and Chris Hawf are the new members that agreed to be on the board. Judge Kimberly Shaw moved to approve the entire Boone Board of Jail Visitors. Second: Judge Michael Bradley. The motion passed unanimously. For the Callaway Board as listed on page 10, we still need a male democrat and a female republican replacements. It was suggested Brian Little be contacted to determine his interest.

12. Collection of Court Debt

Deputy Court Administrator Cindy Garrett said OSCA provided notice to the courts on November 29, 2017 that the contract for debt collection services has been awarded to a new vendor effective January 1, 2018. The new vendor, Municipal Services Bureau will be collecting a 14.9 percent collection fee, which is a change from the 20 percent currently collected by Client Services, Inc. Adult Court Services Supervisor Brandon Walker brought to our attention that based on this change, the Formal Administrative Plan for Collection of Court Debt would need to be updated. The proposed changes to the plan are noted on page 11-13 of the Court en Banc packet. The changes include updating the effective date to January 1, 2018, and removing the specific percentage amount, instead added "which will add an additional percentage". By Supreme Court rule every court had to adopt a plan and provide a copy to the Supreme Court. Judge Michael Bradley moved to approve the updated Plan for Collection of Court Debt dated 1/1/2018 with the percentage also removed from 2) on page 2 of the plan. Second: Judge Carol England. It was noted this process does not include the City of Columbia Municipal Courts. The motion passed unanimously.

13. Earned Compliance Credit

Boone County Circuit Clerk Christy Blakemore stated she would like to request that docket entries include wording that no earned compliance credit is given until fines and costs are paid. It was agreed the statute is specific to restitution being paid prior to earned compliance credit being granted therefore the order cannot be specific to fines and costs.

14. Fine Collection Center

Boone County Circuit Clerk Christy Blakemore said the Court Automation committee has approved to move forward with eliminating the Fine Collection Center "FCC". She noted there are several things to be put in place before this can occur. Page 14 of the Court en Banc packet is a diagram of the process without FCC. Christy indicated currently you can only pay by web once the case is disposed therefore this process will change to where you can pay by web upon receiving a ticket, prior to disposition. Commissioner Casey Clevenger stated at a recent training she attended, it was indicated FCC will still exist in concept, rather it will be a different process. Judge Deborah Daniels indicated the process will include a prosecutorial portal through which tickets will flow. She said the concept grows out of Rule 38.

15. Billing State on SES

Boone County Circuit Clerk Christy Blakemore said at one time Boone County was not billing the state for SES cases, however they have now began billing which is creating substantial calls from defendants who are receiving bills from up to two years back. Christy hopes the process will go smoother once they are caught up from the billing and defendants are receiving their bill quicker upon disposition. Christy indicated the clerk initially receives their money from the state, they then bill the defendant on SES cases for their time in the county jail and the money received from the defendant is reimbursed to the state. Judge Kevin Crane said we need to be consistent in requiring defendants to pay the fees and not allowing some to be relieved of the obligation. Commissioner Clevenger said there is a negative impact on the defendants who are mostly indigent and stayed in jail awaiting pre-trial. She said she has several people who are graduating treatment court and are about to be off probation and are learning of these substantial fees a year and a half to two years later.

16. Other

Judge Kevin Crane said a box of citrus has been delivered from the judges and court administration staff to the Callaway County clerk's office for the clerks, court marshals and custodians.

Judge Sue Crane said she learned judge can be ordered to pay court costs in that she had a couple of cases where she was ordered to pay the costs. She worked with the clerk's office to get the entry corrected that was made in error.

Judge Michael Bradley provided information about himself, indicating he earned his first paycheck at the age of thirteen detasseling corn; two months after his 16th birthday he joined the teamster union and became a warehouseman; for 50 plus years he has either been working or a full-time student; and he has been fortunate to be married for the last 32 years to his wife and best friend. He and his wife have a lot of things they want to do and are blessed with good health so in order to do those things he will not be running for re-election in 2018 and will therefore be leaving the bench on December 31, 2018. Judge Bradley was congratulated.

Christy Blakemore said a luncheon is scheduled for tomorrow for her clerks from 11:30-1:00.

17. Comments from the Public

No comments.

18. Meeting Date

The next meeting is scheduled for January 30, 2017, at 5:00 p.m. to convene in the Boone County Courthouse, Second Floor, Law Library. Judge Sue Crane moved to adjourn. Second: Judge Kimberly Shaw. The motion passed unanimously. Adjourned at 7:00 p.m.

Prepared by:

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Submitted by:

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Distributed on:

1/26/17