

COURT EN BANC MINUTES
Tuesday, January 13, 2009, at 5:00 p.m.
Boone County Courthouse
4th Floor Training Room

Judges Present: Gene Hamilton, Larry Bryson, Cary Augustine, Carol England, Leslie Schneider, Christine Carpenter, Deborah Daniels, Kevin Crane, Jodie Capshaw Asel, and Commissioner Sara Miller. Judge Gary Oxenhandler attended a portion of the meeting while on break from his trial.

Others Present: Boone County Circuit Clerk Christy Blakemore, Unit Manager Lana Brooks, Family Court Clerk Supervisor Carolyn Reddin, Adult Court Services Supervisor Pete Bakutes, Court Administrator Kathy Lloyd and Assistant to the Court Administrator Joy Rushing.

1. Call to Order

The meeting was called to order by Presiding Judge Gene Hamilton.

2. Approval of Minutes

Judge Deborah Daniels made a motion to approve the minutes of the December 9, 2008, meeting as presented. Second: Judge Cary Augustine. The motion passed unanimously.

3. Court Operating Rule 17

Court Administrator Kathy Lloyd informed the court that the Missouri Supreme Court has revised the case processing time standards to provide that 95% of the cases should be disposed in the maximum time frame set out in the standards. Judge Christine Carpenter said that courts can be relieved from the case processing time standards if the state public defender has certified the circuit to be one of "limited availability" for the acceptance of new cases. She asked whether there was any plan to ask to be relieved from the standards since the 13th Circuit is one of the circuits which has been so certified. Judge Gene Hamilton replied that there was no plan to request exemption.

4. Court Reporters – Transcripts of Sexual Offenses

Court Administrator Kathy Lloyd explained that the State Judicial Records Committee has made recommendations regarding transcripts of sexual offense cases. They are recommending that the court reporter send a clean, unredacted copy of the transcript to the appellate court with a disclaimer that the recipients are not to disclose victim identifying information. It will then be the duty of the appellate clerk to redact the information when copies are provided to the public. A similar clean, or unredacted, copy should be retained at the circuit level. The January 2, 2009, memorandum from the committee, which is in the courts' packet as pages 11-12, further describes the procedures for handling the transcripts at the circuit level. In the 13th Circuit, the reporters have decided to give the circuit clerk both a redacted and an unredacted copy of the transcript.

5. Statute Books for Courtroom, Judges' Chambers, Callaway Judges' Offices

Court Administrator Kathy Lloyd explained that statute books had been ordered for the new courtroom and new hearing room. She indicated that she thought the judges already had their own copies. She asked what the judges would like to have happen with the books in the judge's chambers off the Ceremonial Courtroom. It was the consensus of the judges that the books be moved back into the law library as soon as it is available.

6. Bond Returnable Dates

Court Administrator Kathy Lloyd said that the bond return schedule set out on page 13 of the courts' packet reflects the recommendation of the Criminal Justice Advisory Committee. Judge Christine Carpenter made a motion to approve the recommended schedule. Second: Judge Leslie Schneider. Judge Deborah Daniels stated that she was opposed to the 21-day schedule for domestic violence cases, as being too long. She said that all the research indicates that the more quickly domestic violence cases can be addressed, the better the outcome. The push state-wide has been to make the milestones on those cases shorter. Now it is 10-14 days. In the application for STOP funding, the court made a commitment to expedite disposition of domestic assaults.

Boone County Circuit Clerk Christy Blakemore said that during the period when the goal was a 10-14 day turnaround, only about one in ten cases met that goal.

Judge Deborah Daniels said that in St. Joseph and St. Louis they are trying to file cases in 24 hours.

Judge Kevin Crane asked that the matter be tabled to the February meeting to get input from the Criminal Justice Advisory Committee, because there is a committee looking into the issue of holding bonds, and the determination of that issue could affect this issue. Judge Leslie Schneider made a motion to table the matter to the February court en banc meeting. The motion passed unanimously. Since none of the schedule was approved, it was agreed that none of its provisions would take effect.

7. Update on After Hours Orders of Protection

Judge Leslie Schneider gave a brief history of the situation regarding The Shelter saying they would no longer be assisting women after hours in filling out petitions for orders of protection. The court feels that all they have to do is make the forms and the judge available. They have no obligation to assist petitioners in filling out the forms after hours. The Shelter believes the court has an obligation to provide this assistance after hours, and says they do not have the resources to provide this service. There was a general discussion of the information card which the Columbia Police Department hands out to domestic violence victims. It was the consensus of the court that petition forms be provided to all local law enforcement in the circuit. Judge Cary Augustine added that the court rule no longer requires that the petition be signed under oath or affirmation. Boone County Circuit Clerk Christy Blakemore stated that the sheriff's office has a notary public on call. Judge Augustine responded that the notary was no longer needed.

Judge Leslie Schneider said she has prepared a letter to the board of The Shelter regarding this issue, and she read it to the court en banc. Judge Larry Bryson said that they should call the sheriff's department to make sure they know that The Shelter will no longer be assisting with after-hours petitions. Judge Kevin Crane made a motion to approve the letter presented by Judge Schneider. Second: Judge Cary Augustine. The motion passed unanimously.

8. Supervision of DWI Offenders

Judge Christine Carpenter gave an update on the status of a new DWI Court. They have been discussing who would be the target population of a DWI court. She has always favored doing a special court for DWI seconds, instead of alcohol-related traffic felonies. There has been some state funding and there will be a second round of funding. People who participate would be required to pay, and it would cost several thousand dollars. Adult Court Services already supervises many of these people. Court Administrator Kathy Lloyd added that alternative sentencing is making application for some grants. Proposition L funding would not be available until 2010, due to the budgeting process.

9. Focus on Kids On-line Option

Assistant to the Court Administrator Joy Rushing explained that she had been contacted by an individual from Focus on Kids regarding an on-line program. They indicated that it would only be available to individuals who cannot attend the regular program, and they would like to charge \$60 for the program. Judge Cary Augustine said that the on-line program is already available in a number of jurisdictions. Court Administrator Kathy Lloyd explained that staff had concerns about how the availability of the program might affect funding of the commissioner's salary. The court now receives \$20 of each registration fee, and the other \$30 goes to the University for the program. Judge Cary Augustine responded that if the court could do it financially, there should be a mileage limit based on residency for approval to do the on-line program. Judge Gene Hamilton appointed a committee of Judge Cary Augustine, Judge Leslie Schneider, and Commissioner Sara Miller to make a recommendation to the court on the proposed program.

10. Back-In/Head Out Angle Parking on Ash Street

Court Administrator Kathy Lloyd explained that the County Commission had sent information to the court on the proposal by the City of Columbia to institute back-in/head out angle parking on Ash Street as a pilot project. Information is included as page 22 of the court's packet. The angle parking will decrease the number of parking spaces, because the parallel parking will be removed from both sides of Ash, and the angle parking put on only one side of Ash. The Commission is not opposed to the project, and is only letting the court know of the plans. Judge Kevin Crane made a motion to defer to the decision to the Columbia City Council. Second: Judge Deborah Daniels. The motion passed unanimously.

11. Home Detention Reports

Court Administrator Kathy Lloyd said that staff is working on the format of the Home Detention report, as discussed in the recent Criminal Justice Advisory Committee meeting. A committee of ACS Supervisor Pete Bakutes, Aaron Gish from County IT, and our IT department is reviewing the form with the intent of providing more usable and understandable information to the judges.

12. Update on Callaway County Security

A. Request from Callaway Commission for Court To Share in Cost of Fire and Burglar Alarm System

Court Administrator Kathy Lloyd stated that the Callaway County Commission has asked the court to share the costs of installing the new fire and burglar alarm system in the Callaway County Courthouse. The balances of the Callaway County Law Library and Administration of Justice funds were reviewed. Payment out of the Administration of Justice fund would require a budget amendment, but payment out of the Law Library fund would not. The court had some unspent budget money from 2008, and could allocate those funds to the project. Judge Cary Augustine made a motion that the court pay ½ of the cost of installation and equipment for the fire and burglar alarm system only, not the ongoing fee, with allocation of the funds coming from the left over amounts from 2008 and, if not available, that the funds be paid from funds available in the Law Library Fund. Second: Judge Carol England. The motion passed unanimously.

B. After Hours Entry into Callaway County Courthouse

Court Administrator Kathy Lloyd let the court know that they now need to use their key fob to enter the Callaway County Courthouse after hours. The fob only works on the door at the back of the courthouse.

13. Courthouse Expansion Update

Court Administrator Kathy Lloyd said that they put carpet in the judges' area from the reception area to courtroom 2 West. They will do the rest of that side of the area tomorrow. She handed out a sheet showing the warranties on the various items purchased as part of the courthouse expansion. If anyone encounters any problems with any of these items, they should let Kathy know as soon as possible so it can be fixed while it is still under warranty. The court reporters will move January 23 or 24, and the Juvenile Office will move January 26. Work on the first floor should be completed by the end of the month. The Ceremonial Courtroom will get new carpet and this will be done as the trial schedule allows.

14. Other

Court Administrator Kathy Lloyd announced there was a Judicial Law Enforcement meeting Wednesday at 4:30 in the Commission Chambers. They have renamed the committee the Judicial Law Enforcement and Jail Expansion Committee.

15. Comments From the Public

There were no comments from the public.

16. Next Meeting Date

February 10, 2009.

Prepared by: _____
Joy Rushing
Assistant to the Court Administrator

Submitted by: _____ Distributed on: _____
Kathy Lloyd
Court Administrator