

**COURT EN BANC MINUTES**  
**Tuesday, April 8, 2008, at 5:30 p.m.**  
**Boone County Courthouse**  
**Law Library, Second Floor**

**Judges Present:** Gary Oxenhandler, Deborah Daniels, Cary Augustine, Larry Bryson, Gene Hamilton, Jodie Asel, Carol England, Christine Carpenter, and Kevin Crane.

**Others Present:** Boone County Circuit Clerk Christy Blakemore, Unit Manager Lana Brooks, Callaway County Circuit Clerk Curtis Quick, 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 Cary Augustine made a motion to approve the minutes of the March 4, 2008 meeting. Second: Judge Jodie Asel. The motion passed unanimously.

**3. Revised Docket Schedule**

Court Administrator Kathy Lloyd reported that a revised docket schedule is included with the agenda on pages 7 through 11. There are not many changes from the previous docket schedule and the changes are highlighted on the attached pages. The uncontested dissolution docket at 1:30 p.m. Tuesday of week two in Division IV has been removed, and these cases will be spread among the existing dockets. The restriction regarding only setting modifications on Commissioner Miller's 1:30 Tuesday docket in week four has been removed. Commissioner Miller's temporary motions docket in the fourth week is being moved from 9:00 a.m. Monday to 9:00 a.m. Tuesday. The clerks made a request that in Division V the civil returns dockets at 9:00 a.m. on Friday of each week be switched with the civil trials dockets on Monday of each week. That will assist the clerks by giving them sufficient time to get required notices out. The revised docket schedule will be effective June 1, 2008.

**4. 2009 Budget Schedule**

Court Administrator Kathy Lloyd stated that the tentative schedule for the preparation of the court's 2009 budget was attached as page 12 of the agenda. As usual, the process will begin with the various departments providing her with a list of their needs/requests for the coming budget year. Kathy has spoken with the county auditor, and the county budget will be tight again next year.

**5. Misdemeanor Jury trial Committee Report**

Judge Christine Carpenter explained that the committee which was appointed to discuss misdemeanor jury trials had met a number of times. Their report is on pages 13 – 16 of

the agenda. Probably less than one percent of the jury trial requests are in misdemeanor cases. Out of 42 requests, 39 were made by the Public Defender's Office. The recommendation of the committee is that there be no local rule limiting requests for jury trials. The committee tried to determine the cause of the requests for jury trials, and it seems that it is often an attempt by the defense attorney to get a better plea agreement from the prosecutor. Page 14 of the committee report outlines recommended changes in processing misdemeanor cases.

Judge Deborah Daniels stated that judges need to be aware that under a recent Missouri Supreme Court decision, a violation of the time standards may become a due process violation.

Judge Christine Carpenter responded that they would like for the associate circuit judges to meet, along with Judge Asel, to develop a recommendation taking into account the recommendations of the committee. Judge Asel said that the associate circuit judges need to be consistent in how they process cases. Court Administrator Kathy Lloyd recommended that staff from the circuit clerk's office and adult court services be included in the meetings where their areas are discussed.

## **6. Trial Settings for Jury Tape**

Court Administrator Kathy Lloyd said that the jury supervisor and court marshal have been having problems getting the jury tape recorded on time, due to not knowing by 4:00 p.m. whether a scheduled case is proceeding to trial. Staff is asking the judges to put cases set for trial at the top of the docket. Judge Hamilton responded that the court marshal should just ask the judge to do this when it is appropriate, and he feels sure the judges will be willing to do so.

## **7. WestLaw Contract**

Assistant to the Court Administrator Joy Rushing explained that the court had received a proposal from WestLaw for services for the coming year. It appears to be high, and she and Judge Oxenhandler have been investigating other options. Judge Hamilton appointed a committee consisting of Judge Oxenhandler, Judge Daniels, and Commissioner Miller, along with Joy, to review options for research materials and make a recommendation to the court en banc at their next meeting.

## **8. Callaway Courtroom Renovations**

Judge Cary Augustine announced that the low bid on the Callaway County courtroom renovations was \$4,800. The consensus was that the plans submitted with the bid were okay. Court Administrator Kathy Lloyd said that they are going to try to do the work in August, when the judges are gone for training. She said that the next item on the court's agenda is the security grant, and there has been no indication from OSCA whether the court will be receiving any of the funds they requested to do security improvements as part of the renovations.

**9. Status of Security Grant**

Court Administrator Kathy Lloyd let the court know that staff has submitted two applications to OSCA for monies for security improvements, one for Boone County and one for Callaway County. OSCA has told her that they received requests totaling \$800,000 to award, and they have a lot less than that available to distribute. She hopes to hear from them soon regarding whether the circuit will be receiving any of the monies, and if so, how much.

**10. Courthouse Expansion Update**

**A. Budget Update**

Court Administrator Kathy Lloyd asked the court to look at pages 22-24 of the agenda, which show the current status of the construction budget. The contingency budget is currently \$568,000, but tax revenues are down, so that money is not necessarily available to be spent.

**B. Technology Recommendations**

The owner's budget had \$100,000 in it for technology improvements. The lowest bid for the technology improvements recommended by the consultant was \$484,000. Page 32 of the agenda shows the costs broken down by area of the courthouse. Court Administrator, Kathy Lloyd requested the court's input on how the technology improvements should be prioritized. Judge Kevin Crane responded that his main concern is that the courthouse be wired to accommodate new technology, which could be purchased at a later date. Judge Gary Oxenhandler indicated that the highest priority should be given to improving the sound in the courtrooms.

After a general discussion, and in concurrence with the recommendations of the technology committee, Judge Jodie Asel made a motion to make parts A (equipment rack/infrastructure) and D (technology in the new courtroom) the first priority, and to make one-half of part B (the purchase of one media cart) and part E (the technology for the new jury assembly room) the second priority, and to accept the deducts. The motion passed with the following vote:

For: Judges Bryson, Asel, Augustine, England  
Against: Judges Carpenter, Daniels, and Crane  
Judge Oxenhandler had to leave the meeting before the motion.

**C. Alternates; Furniture and Décor**

Court Administrator Kathy Lloyd explained that a number of improvements were removed from the construction budget due to lack of funding. She is asking the court's guidance on what improvements should have first priority if funds become available for any of the alternates. There was a general discussion that some high-traffic areas are in need of carpet and paint, while other areas seem to be fine

and would need paint and carpet only to maintain the same color scheme as will be used for the expansion. There was a general discussion, with the consensus of the judges being that the areas actually needing carpet and paint be first priority. Judge Jody Asel stated that, based on what she heard during the discussion of the technology improvements and this discussion, it was her understanding that the priorities should be: (1) technology priorities; (2) décor priorities; (3) technology non-priorities; and (4) décor non-priorities.

**11. Other**

Court Administrator Kathy Lloyd said that staff is making arrangements to have special bins for recycling that needs to be shredded.

**12. Comments from the Public**

None

**13. Next Meeting Date**

The next meeting date is Tuesday, May 20, 2008.

Prepared by: \_\_\_\_\_  
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Assistant to the Court Administrator

Submitted by: \_\_\_\_\_ Distributed on: \_\_\_\_\_  
Kathy Lloyd  
Court Administrator