

COURT EN BANC MINUTES
Tuesday, June 26, 2008, at 5:30 p.m.
Boone County Courthouse
Law Library, Second Floor

Judges Present: Gene Hamilton, Gary Oxenhandler, Larry Bryson, Leslie Schneider, Deborah Daniels, Carol England, Kevin Crane, Christine Carpenter, and Commissioner Sara Miller.

Others Present: Boone County Circuit Clerk Christy Blakemore, Unit Manager Lana Brooks, Information Technology Supervisor Christopher Kilbride, 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 Larry Bryson made a motion to approve the minutes of the May 20, 2008, meeting. Second: Judge Gary Oxenhandler. The motion passed unanimously.

3. Letter to DCCC Regarding REI Court

Court Administrator Kathy Lloyd explained that the court had been approached by the Office of the State Courts Administrator some time ago about this court serving as a pilot project for a reintegration (REI) court. This court was assured that funding would be provided for the pilot project for three years. This year the Drug Courts Coordinating Committee (DCCC) provided less than half the funding needed to continue the court for the coming year. Court Administrator Kathy Lloyd said Judge Hamilton sent a letter to the Drug Court Coordinating Committee that, due to lack of funding for REI court programs, this court will quit making referrals to the court on July 1. Court Administrator Kathy Lloyd spoke to Gary Waint to see if there was any possibility that there would be more funding, and he said maybe. After July 1, judges should not refer individuals to REI court. Judge Hamilton explained that the court has had to fight for funding for the REI court ever since it was started. The agreement from the start was that the state would support this circuit's REI court. He is hopeful that the Department of Corrections may assist the REI court since they are the ones who benefit directly from this program.

4. DWI Court Update

Judge Christine Carpenter stated that the court did not get funding for a DWI court from the state. Judge Carpenter may seek money from the federal government for the court. There was a general discussion of the role of the alternative sentencing courts in supervising participants. There was also a general discussion that the original court loses supervising authority over the defendant for the period of the defendant's participation in

the alternative sentencing court. Judge Carpenter reminded the judges that no one is admitted to any of the alternative sentencing courts without being screened and approved first. If information regarding an evaluation is not in the court's file, the person should not be referred to the alternative sentencing court.

5. Circuit Court Budget Request FY 10 Electronic Vote

Court Administrator Kathy Lloyd asked the court to confirm its electronic vote approving the submission of the court's budget to the state. In addition to the FTE requests for the Juvenile and Clerks Offices, the court requested that a new position be funded by the state, that of the Reintegration Court Administrator. If this request is approved, funding for this position would become effective in 2010. Judge Gary Oxenhandler made a motion to affirm the results of the electronic vote in which the submission of the court's budget for fiscal year 2010 to the state was approved unanimously, by a vote of ten judges in favor. Second: Judge Leslie Schneider. The motion passed unanimously.

6. Report of Legal research Committee

Judge Gary Oxenhandler said that the committee appointed to evaluate the Westlaw contract (Judges Oxenhandler, Schneider and Daniels, and Assistant to the Court Administrator Joy Rushing) had met and were recommending that the court accept the proposal of WestLaw to provide electronic research services for the coming three years.

7. Expungments on MIP Cases

Boone County Circuit Clerk Christy Blakemore indicated that she was communicating with the Prosecutor's Office about this subject and did not need to bring it before the court en banc at this meeting.

8. Courthouse Expansion Update

Court Administrator Kathy Lloyd brought the court up to date on several issues regarding the courthouse expansion.

- A. The Prosecutor's Office is scheduled to move to their new offices on July 28, and the Juvenile Office is scheduled to move to their temporary space on the third floor on August 18.
- B. The County Commission approved the award of the bid for technology equipment to Progressive Equipment. Court Administrator Kathy Lloyd distributed information on the final bid amount, and the equipment which it includes.
- C. Court Administrator Kathy Lloyd explained the new configuration planned for Hearing Room 2. The judge's bench will be moved to the south end of the room, just in front of the door to the judge's chambers for the Ceremonial Courtroom. Please let Kathy know if you have any concerns about this proposed reconfiguration.

9. Domestic Violence Docket

Judge Gene Hamilton explained that changes are being made to assign all domestic assault criminal cases to Judge Daniels, and Judge Schneider will be handling the orders of protection. Judge Daniels added that she and Judge Schneider believe that it is worth trying this arrangement for six months to see if it improves the process for addressing the problem of domestic violence. They have not talked to the prosecuting attorney for his input on this change. In addition to hearing the cases, bonds on these charges would be set by either Judge Daniels or Judge Schneider.

10. Position Reclassification

Court Administrator Kathy Lloyd handed out information regarding creating a new job classification in the Court Marshal's office, the classification of Deputy Court Marshal II. The court has been losing trained court marshals because the salary it pays is not competitive with other law enforcement agencies. This new classification will allow the court to pay deputy court marshals, who have experience with the court, at a higher rate. Judge Kevin Crane made a motion to approve the new job classification. Second: Judge Gary Oxenhandler. The motion passed unanimously.

11. Resignation of Municipal Judge for the City of Lake Mykee

Assistant to the Court Administrator Joy Rushing let the court know that Judge Hamilton sent a letter to the Mayor of Lake Mykee suggesting that they begin filing their cases directly with this court, instead of maintaining a municipal court of their own. The village does not have any police officers, and the last case their court handled was a nuisance case in 2004. That case went up to the Circuit Court on a trial de novo.

12. Other

Judge Kevin Crane asked the court to reconsider its recent approval of the amendment to Local Rule 67.1.1 regarding the setting of bonds. He made a motion to rescind that approval, since it is still in the 60-day review process. The motion was seconded by Judge Gary Oxenhandler. After a short discussion, the motion and second were withdrawn.

Judge Christine Carpenter said that she had received notice of a meeting of the County Law Enforcement Task force on July 2 at 4:00 pm. She would like for someone from the court to be there. Judge Gary Oxenhandler said he could attend.

Judge Deborah Daniels stated she had received information through a bond study that a defendant had claimed that he was HIV positive. She had Assistant to the Court Administrator Joy Rushing research whether the court could provide this information to the jail and her finding was that the court could provide this information to the jail. It has been determined that Adult Court Services will let the jail know in the future when they receive information that a defendant who is, or is going to be, incarcerated may have a communicable disease.

Judge Larry Bryson indicated that he has been having a problem with landlords who get an order for possession from the court, and then decide not to execute on that order because the tenant starts paying rent.

13. Comments From the Public

None.

14. Next Meeting Date

The next meeting date is August 5, 2008.

Prepared by: _____

Joy Rushing
Assistant to the Court Administrator

Submitted by: _____ Distributed on: _____

Kathy Lloyd
Court Administrator

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