

COURT EN BANC MINUTES
Tuesday, September 15, 2009, at 5:00 p.m.
Boone County Courthouse
Law Library

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

Others Present: Public Defender Tony Manansala, IT Supervisor Christopher Kilbride, Adult Court Services Supervisor Pete Bakutes, Court Administrator Kathy Lloyd, Unit Manager Lana Brooks, Probate Clerk Debbie Lee, and Assistant Public Defender Tom Porto.

1. Call to Order

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

2. Approval of Minutes

Court Administrator Kathy Lloyd explained that there were a couple of changes to the budget information which was presented at the August 4, 2009, meeting. The computer for the Counsel Chambers in the amount of \$1,500 from the Law Library fund, was not approved. The interest revenue shown in the Circuit Clerk's budget has been adjusted by the auditor to \$12,000.00. Judge Larry Bryson also asked that the minutes reflect that he had to leave the meeting before the discussion and approval of the budget. Judge Leslie Schneider made a motion to approve the minutes as amended. Second: Judge Deborah Daniels. The motion passed unanimously.

3. Changes to Wording in the Order for 96 Hour Commitment

Judge Deborah Daniels distributed a packet of forms illustrating the proposed new procedures for changing placement for 96-hour commitments. The forms consist of a *Request for Change of Placement during 96 Hour Detention*, to be filed by the institution holding the individual, and an *Amendment of Placement on Prior Order for 96 Hour Detention, Evaluation and Treatment*, to be signed by the Boone County judge. The holding institution will file a *Notice of Admission of Involuntary Patient* along with its *Request for Change of Placement*. Once this documentation is received, the Boone County judge has the authority to amend the placement order per the proposed Amendment. Judge Leslie Schneider made a motion that the new forms be approved as presented. Second: Judge Gary Oxenhandler. The motion passed unanimously.

4. Web Notes

Christopher Kilbride, IT Supervisor, explained that the court is in the process of switching to a new form of Lotus Notes. Currently, users have a roaming profile, which allows them to sign in to Lotus Notes from any computer. Under the new version, users will have fixed profile which will only allow them to sign in to Lotus Notes from their primary computer. There was a general discussion of the Lotus Notes change. Christopher also stated that he was researching options to access Lotus Notes from PDAs.

5. Electronic Warrants and Extradition

Judge Gary Oxenhandler explained that the Boone County Circuit Clerk had brought to the court's attention, in a previous meeting, OSCA's request that courts define defaults for warrant service on their cases. Judge Hamilton appointed a committee of Judges Oxenhandler, Asel and England to review the issue and make a recommendation to the court. The committee's recommendation is set out in pages 22-25 of the court's packet, and is as follows:

Use the defaults set by OSCA, with the following changes:

- B felonies – full US extradition
- B misdemeanors – 100 miles of courthouse
- Infractions – within county limits

The Prosecutor's Office has a lot of involvement in warrants. For general arrest warrants, the Prosecutor's Office will use discretion as to whether to ask to have the person arrested brought back. For bench warrants, the Prosecutor's Office does not exercise this discretion. It is the recommendation of the committee that no change be made in this process.

Judge Kevin Crane said that it was his recollection that for capias warrants, the prosecutor would go to the judge to see if the judge wanted him to be brought back. For other warrants, the Prosecutor's Office would make that decision.

Judge Kevin Crane requested the following service parameters:

- All felonies – full US extradition
- All misdemeanors – surrounding counties
- Infractions – within county limits

There was a general discussion of this issue. Judge Crane made a motion that the following amendments be made in the defaults for serving warrants for Boone County:

- All felonies – extraditable within the United States
- B misdemeanors – extraditable within the State of Missouri
- Infractions – within Boone County

Second: Judge Gary Oxenhandler. Judge Deborah Daniels indicated that she was uncomfortable with having B felonies extraditable within the United States. The Assistant to the Court Administrator was asked to reread the motion. At the time of re-reading, the motion was amended to apply to the defaults for serving warrants in Boone County and Callaway County, and to have infractions served within Boone and Callaway Counties. The amended motion passed with the following vote:

For:	Judges Oxenhandler, Carpenter, Schneider, Bryson, England, and Crane
Against:	Judge Daniels

Judges Oxenhandler and Crane mentioned that there was a second issue of whether capias warrants should be taken to the judge. After some initial discussion, Judge Gary Oxenhandler made a motion to table the issue until information could be obtained from the prosecutor.

Second: Judge Schneider.

6. Jury Survey

Court Administrator Kathy Lloyd directed the court's attention to page 26, which is a new automated juror survey from OSCA. If the court uses this form, the results can be entered into an electronic data base so reports can be generated without manual tabulation. The survey is quite similar to the court's current survey. She is just presenting this for the court's information and to see whether they anticipated any problems with implementing it. There was no discussion of the issue.

7. Bond Investigation Assessment Tool

Court Administrator Kathy Lloyd explained that Adult Court Services is implementing a new risk assessment tool for bond investigation. The form that ACS has been using was originally developed by the state of Kentucky. Kentucky has updated their form, and the new form is based on their new form.

8. Adult Court Services Supervised Probation and Community Service

Court Administrator Kathy Lloyd stated that a few months ago the court approved an administrative order (08-09) to add some types of cases to the cases where Adult Court Services will supervise probation. Unfortunately, when that change was made, some of the wording was lost which restricted the situations in which ACS would supervise community service. In particular, the wording that was lost was two sentences specifying that ACS would supervise community service only if ACS was supervising probation and ACS had recommended community service in lieu of a fine, or the judge had ordered community service mandated in lieu of jail time. There was a general discussion of which order should serve as a basis for the requested revision. Judge Leslie Schneider made a motion to table the issue until the next meeting to allow the judges time to review the information. Second: Judge Kevin Crane. The motion passed unanimously.

9. DWI Court

Judge Christine Carpenter handed out information on a possible DWI court. The National Highway Transportation and Safety Administration has funding available to assist with setting up this court in the 13th Circuit. Boone County ranks 5th in the state for deaths from alcohol-related traffic offenses. They are interested in us for this project because of the existing Drug Court and Mental Health Court. The money can be used to hire part-time people to administer drug tests for all alternative sentencing court participants. They are asking for a quick commitment from the court. They will need to define the program: what offenses it would include, who the treatment provider would be, and what the incentive would be for defendants to participate. The defense bar has expressed an interest in having this program available for 2nd DWI's. All the court would have to commit to, in exchange for the funding, is to create a separate DWI docket. Not much would be lost if the funding is not continued. There was a general discussion of the proposal. Judge Christine Carpenter made a motion that the court approve a stand-alone DWI court docket. Second: Judge Kevin Crane. The motion passed unanimously.

10. Certified Copies of Prior Convictions for Trial

Assistant to the Court Administrator Joy Rushing explained that a question had arisen regarding certification of copies made from electronic records. She looked into the statutory requirement for use of electronic court records as evidence, and a memorandum containing the results of her

inquiry is attached to the court's agenda as pages 30-32. Section 490.130, RSMo., provides that copies of information in the court's electronic data base can be copied and certified by the Circuit Clerk. This applies only to records on JIS, but not to CaseNet records.

11. Local Court Rule 33 – Pretrial Motions Filed in Domestic Cases

Judge Schneider made a motion to table this issue. Second: Judge Christine Carpenter. The motion passed unanimously.

12. Uncontested Dissolution Docket for Pro Se Litigants in Boone County

Judge Leslie Schneider explained that she would like to hear *pro se* uncontested dissolutions on a separate docket at 3:00 p.m. every other Tuesday (the same day as her current uncontested dissolution dockets.) Court Administrator Kathy Lloyd indicated that staff would make that docket change.

13. Driver Improvement Program with State Fine Collection Center

Court Administrator Kathy Lloyd said that this matter had been continued from the court's last meeting for an electronic vote. That vote was never taken so it is on the agenda today. The proposed order would authorize the Fine Collection Center to allow participation in a driver improvement for individuals pleading guilty through the center. Judge Leslie Schneider indicated that she had obtained additional information on the program, and she was making a motion that the order be approved for both Boone and Callaway counties. Second: Judge Carol England. The motion passed unanimously.

14. WestLaw

Assistant to the Court Administrator Joy Rushing handed out a memorandum on information about the court's Westlaw expenses. She explained that she had talked to the Westlaw representative about reducing the court's costs for the electronic product. Judge Gary Oxenhandler indicated that he would like additional information on the cost of adding the Missouri CLE to the Lexis service. Judge Gary Oxenhandler made a motion that staff obtain additional information and provide it at the court's next meeting. Second: Judge Leslie Schneider. The motion passed unanimously.

15. Other

Judge Deborah Daniels advised that there had been a probate hearing for emergency guardianship on video and it went very well.

Court Administrator Kathy Lloyd explained that the state reimbursement rates for travel have changed.

Court Administrator Kathy Lloyd advised that the Chief Jail Administrator Warren Brewer reported to her that 60% of the people in jail are awaiting felony trials, and another 30% were writs and commits. Only 22 people were being held on misdemeanor pre-trials. It appears that one way to impact jail population is to look at ways to expedite felony trials.

16. Comments from the Public

None.

17. Next Meeting Date

The next meeting date is October 6, 2009.

Prepared by: _____
Joy Rushing
Assistant to the Court Administrator

Submitted by: _____
Kathy Lloyd
Court Administrator

Distributed on: _____