

COURT EN BANC MINUTES
Tuesday, October 7, 2008, at 5:30 p.m.
Boone County Courthouse
Law Library, Second Floor

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

Others Present: Boone County Circuit Clerk Christy Blakemore, Unit Manager Lana Brooks, Court Marshal Les Werner, Jury Supervisor Linda Dolliver, Callaway County Circuit Clerk Curtis Quick, Court Administrator Kathy Lloyd and Assistant Court Administrator Joy Rushing.

1. Call to Order

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

2. Approval of Minutes

Judge Gene Hamilton requested that the minutes be amended to show that he arrived at the meeting after he got out of court. Assistant to the Court Administrator Joy Rushing responded that she would review the tape and make the appropriate amendment to the minutes. Judge Gary Oxenhandler made a motion to approve the minutes as amended. Second: Judge Jodie Asel. The motion passed unanimously.

3. Consideration of Attorney's Conflicts when Scheduling Settlement Conferences

Helen Wade appeared on behalf of the Family Law Committee of the Boone County Bar Association. She had been asked by members of the bar to ask the court if there was some way to consider attorney conflicts when scheduling settlement conferences. Some of the attorneys often have hearings scheduled in other counties, which conflict with the settlement conferences. Judge Gary Oxenhandler stated that attorneys can call in on Monday, and schedule their settlement conference for any time on Friday, but that the attorney who will be trying the case needs to be at the conference. After some discussion, it was suggested that attorneys with conflicts can call the court and reschedule the settlement conference for a different Friday, as close to the trial as possible.

4. Staff Recognition

Judge Gene Hamilton made a presentation to Court Marshal Les Werner of a print signed by the judges recognizing his leadership and hard work during the courthouse expansion.



At this point, the court discussed items 6, 7 and 8 because Judge Daniels had to leave for another meeting.

5. Court Operating Rule 5.11 – Copying of Tapes

Judge Gene Hamilton informed the court that he had received notice of a Missouri Supreme Court order regarding tapes of proceedings on charges of sexual assault, domestic assault, stalking, or forcible rape. The order amends subdivision 5.11 of Court Operating Rule 5 to provide that in such cases, a copy of the tape of the proceeding may be given only to a party or attorney in the case. In all other cases, the requestor is to be given a redacted transcript of the tape.

6. Service Areas for Warrants

Judge Deborah Daniels explained that there are cases where she wants to limit the area in which an arrest warrant can be served, because some minor cases, such as owing \$25.00 in costs, do not justify the cost of going to a distant county to return the defendant to Boone County. She made inquiries and discovered that MULES (Missouri Uniform Law Enforcement System) allows the specification of one of three service areas: a specified radius in miles, surrounding counties, and the state of Missouri. A judge can note this designation on the docket sheet, the clerk would enter the information in a comment section in JIS, and the sheriff's department would pick up that comment and enter the information into Mules. It was agreed that this could be done at the discretion of the judge.

7. Mental Health Appearance by Video

Judge Deborah Daniels indicated that plans are in motion to hold 21-day hearings by video, where the defendant and his/her attorney would be at Mid-Missouri Mental Health Center, but the judge would be in the Boone County Courthouse. The Sheriff's office is looking into the cost of the equipment at MMMHC, because this will save the Sheriff money in not having to transport people to court. Kathy Lloyd added that the equipment will actually be funded out of Prop L funds. Judge Christine Carpenter stated that staff at the hospital have been asking for this for quite a while.

8. Update on Domestic Violence Dockets

Judge Deborah Daniels said that the new consolidation of domestic assaults on Division XI dockets each week appears to be working well. The Public Defender is getting to see people earlier, which is helping things move along more quickly. The court has made an application for STOP grant funds to pay for the MEND program for the defendants. If the court is not awarded a grant, then MEND will not be available for most defendants due to its cost. She has found that out of 130 people who attended the MEND program, only two have reoffended. Boone County Circuit Clerk Christy Blakemore said that there was a problem with a domestic assault case when a man was picked up on Thursday, and Judge Daniels was not available to do the arraignment on Friday. The sheriff did not bring the man to court on Monday, so it was Tuesday before he got to court. After some

discussion it was the consensus of the court that if Judge Daniels is not available, then the case should go on the next arraignment docket.

At this point, the court returned to Item 5.

9. Cash Bond Acknowledgment Form

Court Administrator Kathy Lloyd explained that this was an issue that had been brought up at the Criminal Justice Advisory Board. Chief Jail Administrator Warren Brewer is asking the court to eliminate the use of the separate “Acknowledgment” form because the same information is now included on the bond form itself. Judge Gary Oxenhandler made a motion to eliminate the use of the Cash Bond Acknowledgment form. Second: Judge Larry Bryson. The motion passed unanimously.

10. Jury Assembly Process

Court Administrator Kathy Lloyd made a power point presentation on the new jury assembly procedures proposed for use when the new jury assembly room is completed. The proposal has jurors assembled together in the new jury assembly room on the 3rd floor annex, and not assigned to a particular case at the time they arrive. Jurors complete a questionnaire and Judge Hamilton conducts an initial *voir dire* prior to seating the jurors. Once qualified, jurors are randomly assigned to a division. This process will allow flexibility of assignment of jurors to a panel, depending on the number of jurors reporting and the number needed for each panel.

Although this process will make more efficient use of juror and court time, it will increase the length of time for the juror assignment process, so jurors will be asked to report by 8:00 am, and jury books may not be available until approximately 9:00 a.m.

11. Form Interrogatories

Judge Gene Hamilton explained that Hamp Ford, a local attorney, had pointed out some errors in the court’s form interrogatories. There were several places where the terms Plaintiff and Defendant were incorrectly used. He asked Joy Rushing, Assistant to the Court Administrator, to review the forms, and she found a few more errors. He asked the court to approve the amended interrogatories. Judge Gary Oxenhandler made a motion to approve the amended interrogatories. Second: Judge Jodie Asel. The motion passed unanimously.

12. Administrative Order 03-08 – Filing Fees and Costs

Assistant to the Court Administrator Joy Rushing explained that the order for fees and costs was being amended to add the additional \$10 sheriff’s fee, which was approved in the latest state legislative session. A few errors are also being corrected. Judge Leslie Schneider made a motion to approve the proposed order for filing fees and costs. Second: Judge Jodie Asel. The motion passed unanimously.

13. Pro Se Grant Request

Assistant to the Court Administrator Joy Rushing explained that a group has formed to set up a volunteer attorney program to assist indigent litigants in civil litigation, using the new Missouri Supreme Court rules on limited scope representation. They have submitted a request for funding to hire a program director. A copy of the grant request is included in the court's packet as pages 38-47. This is just being presented for the court's information.

14. Update Regarding REI Court Admissions

Court Administrator Kathy Lloyd brought the court up to date on the status of the Reintegration Court. REI Court is one of three pilot programs in the State of Missouri; the other courts are in Jackson County and St. Charles County. The court is supported by several funding sources. The state Drug Court Coordination Commission pays for treatment, case management and drug testing. The Department of Corrections pays for housing, transportation, treatment, case management and employment counseling. The salary of the coordinator is paid through a grant from OSCA.

REI Court had its first Docket in July 2007, and had 114 admissions between July 2007 and September 2008. Fifteen participants have successfully completed the program (minimum 12 month participation period), and there are currently 61 participants.

The court did not receive their full allocation of funds for the 2008-09 Fiscal Year (beginning July of the second year of the pilot program). Due to this reduction in revenue, the court suspended admissions to the program, and requested that additional funds be allocated. In response, the Department of Corrections provided a one time additional allocation of \$97,800. With this funding, the court resumed admissions to the program.

A request has been made to the Circuit Court Budget Committee to include the position of REI Court Coordinator in its FY10 Budget to the legislature and the CCBC's FY10 budget proposal includes funding of the position. Significant efforts will need to be made to ensure continued funding of the REI Court.

15. Update on Callaway County Security Upgrades

Court Administrator Kathy Lloyd distributed information on the improvements in the Callaway County Courthouse that are being paid for out of the Administration of Justice Fund. Originally the court budgeted \$21,000 out of this fund for security improvements in 2008. As projects were identified, staff came to the court for approval of the individual project. There are a few items that still need to be done. The carpet needs to be replaced in the area where the courtroom was remodeled. The estimate for this is \$1,028.50. Some additional millwork also needs to be done, and the estimate for this work is \$1,440, which will add a rail around the witness stand. After these additional costs are paid, the total project will still be within the original amount budgeted. Judge Leslie Schneider made a motion to make additional expenditures for improvements in the

Callaway County Courthouse, up to the \$21,000 budgeted amount. Second. Judge Gary Oxenhandler. The motion passed unanimously.

16. Courthouse Expansion Update

Court Administrator Kathy Lloyd explained that demolition of the Ground Floor of the Courthouse was completed following the temporary relocation of the Juvenile Office to space across the street from the courthouse on August 8-9, 2008. The renovation of the Ground Floor is scheduled for completion in Mid-December, and the Juvenile Office will permanently move back into this space at the end of December. The renovated space will include an expanded lobby and an off-lobby waiting area/conference room for juvenile proceedings, and expanded office space for personnel in the Juvenile Office.

The Court Marshals moved to their new permanent space on the new third floor on September 24 and 25. Staff from Adult Court Services, Information Technology and the Traffic and Probate Clerks temporarily moved from the first floor into the space that will eventually serve as the new jury assembly area. Demolition of the space on the first floor vacated by these moves began on September 29.

Adult Court Services, Information Technology, and the Traffic and Probate Clerks offices are scheduled to return to the first floor. The renovated space will include a new security control station next to the walk-through metal detector to provide additional security at the front entrance.

The Prosecuting Attorney moved to their new permanent offices on the fourth floor on October 2 and 3. Once this area is completed, it will include an Information Technology training room. Demolition of the space on the second floor vacated by the prosecutors began on October 6. Renovation of the former prosecuting attorney's office is scheduled for completion at the end of December. Once completed, it will be occupied by offices of the Circuit Clerk.

Completion of the Third Floor Courtroom, jury deliberation area, and judges' chambers is scheduled for the end of October. The new Third Floor will also include a new jury assembly room, jury check-in and reception area, and an office for the Jury Supervisor.

17. Change in 2008 Revenue Projections

Boone County Circuit Clerk Christy Blakemore let the court know that they were proposing amendments to the budget projections for the Circuit Clerk's Office because interest earnings are expected to be approximately \$17,000 less than originally projected. Judge Leslie Schneider made a motion to amend the budget as requested by the Circuit Clerk's Office. Second: Judge Christine Carpenter. The motion passed unanimously.

18. Other

Court Administrator Kathy Lloyd said that Probation and Parole had asked her to let the court know that they will be recommending a new program for some probationers, which is a multi-session victim impact program. Judge Christine Carpenter asked for a copy of

the program workbook, because they have been considering a similar program for the alternative sentencing courts.

Boone County Circuit Clerk Christy Blakemore said she had contacted the state Department of Insurance regarding the license of Arlie Nole to write bonds. They told her they were still investigating the situation with Mr. Nole and the Prince case. They also said they could not pull his license based on an arrest. Judge Christine Carpenter made a motion to not allow Arlie Nole to post bonds in the circuit. Second: Judge Leslie Schneider. The motion passed unanimously.

19. Comments From the Public

None.

20. Next Meeting Date

The next meeting date is November 12, 2008.

Prepared by: _____
Joy Rushing
Assistant to the Court Administrator

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