

COURT EN BANC MINUTES
Wednesday, November 12, 2008, at 5:30 p.m.
Boone County Courthouse
Law Library, Second Floor

Judges Present: Gene Hamilton, Gary Oxenhandler, Cary Augustine, Leslie Schneider, Kevin Crane, Christine Carpenter, Larry Bryson, Jodie Capshaw Asel and Commissioner Sara Miller.

Others Present: Jury Supervisor Linda Dolliver, Court Marshal Les Werner, Family Court Clerk Supervisor Carolyn Reddin, Family Court Clerks Beth Triplett and Beth Clark, Boone County Circuit Clerk Christy Blakemore, 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 Gary Oxenhandler made a motion to approve the minutes of the October 7 meeting as presented. Second: Judge Christine Carpenter. The motion passed unanimously.

3. 2009 Docket Schedule

Judge Gene Hamilton explained that the major changes to the docket schedule are in the circuit divisions.

Boone County

Monday Week 1: Judge Crane's Temporary Motions Docket and Civil Docket will both begin at 9:00 a.m.

Week 2: Judge Crane will have a 2:00 p.m. General Criminal Docket. Judge Asel's Temporary Motions Docket and Civil Docket will both begin at 9:00 a.m.

Week 3: Judge Hamilton will have a 2:00 p.m. General Criminal Docket. Judge Asel's Temporary Motions Docket and Civil Docket will both begin at 9:00 a.m.

Week 4: Judge Crane's Temporary Motions Docket and Civil Docket will both begin at 9:00 a.m. Judge Asel will have a 2:00 p.m. General Criminal Docket.

Callaway County

Monday Week 1 Judge Oxenhandler's 1:30 p.m. Civil Docket will move to 11:00a.m. and he will hear the Callaway County Family Court Settlement Conferences at 1:30 p.m., instead of at 9:00 a.m. on Tuesday of Week 1.

Week 2 The 1:30 p.m. Civil Docket will move to 11:00 a.m.

Week 3 The 1:30 p.m. Civil Docket will move to 11:00 a.m.

Week 4 The 1:30 p.m. Civil Docket will move to 11:00 a.m.

In Boone, Judge Daniels will have an 8:15 probate mental health docket on Tuesday and Thursday of each week, as needed. Judge Schneider's Conflict docket in Callaway at 1:00 p.m. on the first Wednesday of each month has been deleted.

4. Reappointment of Board of Jail Visitors – Boone and Callaway

Judge Gene Hamilton indicated that all the members of the Board of Jail Visitors in Callaway County were eligible for, and willing to accept, reappointment. Judge Cary Augustine made a motion to reappoint Thomas K. Riley, Jack McBride (Chair), Ramona Wilkinson, Melanie Dowling, Daniel VanOrden and Kitty Comer to the Callaway County Board of Jail Visitors. Second: Judge Leslie Schneider. The Motion passed unanimously.

Judge Hamilton said that two of the members of the Board of Jail Visitors in Boone County have never attended a meeting, Dr. Russell Thompson and Dr. Wanda Brown. Judge Gary Oxenhandler made a motion to reappoint Mark Pfeiffer, Genie Rogers, Donna Hennigh and Harry Bozoian to the Boone County Board of Jail Visitors. Second: Judge Leslie Schneider. The motion passed unanimously.

There was a general discussion of the need to replace Dr. Thompson and Dr. Brown, and that one person had to be a Republican and one a Democrat, and one had to be female and one male. Court Administrator Kathy Lloyd indicated that she had talked to Verna Harris Laboy about possible appointment to the Board and she indicated she would be willing to serve. If appointed, she would be a female Republican, so the remaining appointment would need to be a male Democrat. Judge Kevin Crane made a motion to appoint Verna Harris Laboy to the Boone County Board of Jail Visitors. Second: Judge Gary Oxenhandler. The motion passed unanimously.

Judge Christine Carpenter said she would find a male Democrat to recommend for appointment at the next court en banc meeting.

5. Administrative Order 04-08 – Bond and Summons Returnable Schedule

Court Administrator Kathy Lloyd explained that Judge Deborah Daniels had asked that the bond and summons returnable date for domestic assault and companion cases be at 1:30 p.m. on the following Monday. This administrative order would make that addition to the bond and summons returnable schedule. Judge Cary Augustine made a motion to approve Administrative Order 04-08 amending the bond and summons returnable schedule to show the return date and time for domestic assaults and companion cases. Second: Judge Gary Oxenhandler. The motion passed unanimously.

6. Recurring Issues from Juror Questionnaires

Judge Christine Carpenter asked about some issues that she sees appearing as issues on the juror responses to our evaluation questionnaires: the chairs in the Ceremonial

Courtroom; parking instructions are not clear; it is cold in the courtroom; there is no recycling; and they don't like to be called by their names.

Court Administrator Kathy Lloyd responded:

- Chairs – This has been an ongoing problem. Even though the chairs are oiled regularly, the problem persists. The chairs probably should be replaced but that will be expensive, and there is currently no money in the budget to do that.
- Parking Spaces – The court recently, perhaps last year, revised the juror information sheet to try to make it clearer where they are to park. Judge Gene Hamilton appointed a committee of Judge Jodie Capshaw Asel, Court Marshal Les Werner, and Assistant to the Court Administrator Joy Rushing to look at the signs in the parking garage to see if changes should be made to the juror information sheet.
- Cold – The temperature in the courtroom varies, and jurors are advised about this. However, recently it appears to have been colder than usual so she will check to see if there is a problem.
- Calling Jurors by Name – This is something that could be changed by local court rule. Judge Hamilton asked Judge Christine Carpenter to draft a proposed rule for the next court en banc meeting.

7. Revised Recommendations for Jury Procedures

Court Marshal Les Werner explained that they had made changes to their proposed procedures (from last month's meeting), based on comments on the proposal at the Boone County Bar Association meeting in October. They decided not to change the jury questionnaire. They have developed procedures for providing the juror questionnaires on CD to the attorneys the week before the trial. This will mean that they will get the questionnaires for all the persons called, not just the ones who end up in the pool for their trial. The presiding judge will not be asking initial qualifying questions. Judge Gary Oxenhandler made a motion to approve the proposed changes to the jury procedures, to be effective when the new jury assembly area on the new Third Floor is available. Second: Judge Kevin Crane. The motion passed unanimously.

8. Local Court Rule 68

Boone County Circuit Clerk Christy Blakemore said Rule 68.9, which essentially deals with case management, has been in existence for some time, and changes have occurred that have created a need to amend the rule. Two changes in particular are the expansion in the types of cases impacted by the rule, and the increase in the number of filings. They have tried to deal with the problems internally, by adding the milestones function in JIS, and they have stopped sending cases to the judges if a document has not been filed within 10 days of its due date. Even with these changes, case management is an issue.

They are proposing the addition of Paragraph F to Rule 68.9, as shown in their packet. This would create a case management hearing in dissolution of marriage, legal separation, child custody, maintenance and support, motions to modify and paternity cases which would occur 60 days after the date of service or entry and waiver. The 60-day hearing is not needed if everything has been filed. At that point the attorneys could

ask that the case be placed on a trial setting docket. If everything has not been filed, the parties would need to appear for the 60-day hearing and scheduling of the case would be discussed with the judge. This would help insure that cases move along, and save on sending files to the judges for review. Attorneys can now access case milestones on case.net. Judge Cary Augustine made a motion that the matter be continued to the next court en banc meeting to allow the judges time to study the recommended changes. Second: Judge Gary Oxenhandler. The motion passed unanimously.

Judge Gene Hamilton appointed a committee of Christy Blakemore, Curtis Quick, Leslie Schneider and Sara Miller, with Judge Augustine as chair, to study the recommendation and report back to the court en banc.

9. Credit Card Payments

Boone County Circuit Clerk Christy Blakemore explained that the county is looking at using a vendor, Collector Solutions, to manage credit card collections. If the county does this, it could save them \$14,000 a year. When someone came in to pay fines and/or costs by credit card, they would be charged a percentage of the amount they are placing on their credit card as a fee, instead of a flat \$4.00. The fee would go to the vendor, and the county would get the amount charged to pay fines and/or costs. The state is looking at a similar arrangement, but she recommends going with the county vendor for ease of implementation. The county is expecting to implement this program by January 1. This would require a change in the court rule regarding credit card payments. The issue was passed to the next court en banc meeting, for a proposed rule change.

10. Social Security Numbers and Court Records

Court Administrator Kathy Lloyd stated that Assistant to the Court Administrator Joy Rushing had drafted a letter for Judge Hamilton to send to the Supreme Court Records Committee regarding the requirement of social security numbers on documents filed with the court. Assistant to the Court Administrator Joy Rushing said that she understood from the meeting of the Criminal Justice Advisory Board that the recommendation was that a separate “Supplementary Information” form be used to collect identifying information, which would be confidential. Court Administrator Kathy Lloyd added that the letter is in response to a request from the Records Committee for input regarding possible changes to Court Operating Rule 2.

11. Sexual Harassment Committee

Assistant to the Court Administrator Joy Rushing explained that the terms of three members of the Sexual Harassment Policy Advisory Committee had expired in October. She has contacted the department supervisors of the individuals whose terms are expiring, and they have recommended the following appointments:

- Boone Juvenile Office.....Ruth McCluskey (new appointment)
- Court MarshalBarry Francis (continuing appointment)
- Callaway Circuit ClerkTracey White (new appointment)

Judge Christine Carpenter made a motion to appoint Ruth McCluskey, Barry Francis and Tracey White to the Sexual Harassment Policy Advisory Committee. Second: Judge Jodie Capshaw Asel. The motion passed unanimously

12. Update on Callaway County Security Upgrades

Court Administrator Kathy Lloyd said that they are finalizing the security upgrades to the Callaway County Courthouse. On Monday night, new carpet will be laid in the first floor courtroom. In court on Monday, there will still be a few minor items remaining, but they should be completed shortly.

13. Courthouse Expansion Update

Court Administrator Kathy Lloyd wanted to let the court know about two things. There will be training for judges on Wednesday morning at 8:00 a.m. on the use of the touch panel in the new courtroom. In the afternoon there will be two question and answer sessions, to answer people's questions about the technology systems in the new courtroom. There will be various trainings throughout Wednesday and Thursday, and the judges are encouraged to attend any of the sessions which interest them.

The second matter is that the work on the first floor south and the portion of the ground floor that will be temporarily occupied by the clerks is supposed to be completed by the end of November. The next phase will be to move Adult Court Services and Traffic back to their new space on the first floor, and to vacate first floor north by moving the clerk's office to temporary locations on the ground floor and the area being vacated by ACS on the third floor. This is scheduled to occur in January.

14. Civil and Criminal Case Age Reports

Circuit Clerk Christy Blakemore explained that in the past the clerks have been making manual notes on the case age reports that went to the judges to explain the status of the cases on the list. Changes have been made, and only cases which should legitimately appear on the report should be appearing on it. She is asking that the clerks no longer have to make the manual notes on the case age reports. The clerks would still be happy to answer any specific questions judges may have about a case. Judge Gary Oxenhandler responded that he felt he would still need that information, or he will have to ask the clerk to pull the files on the list so he can check the status of the cases. Judge Kevin Crane added that it is difficult to remember all the cases, and what is going on with them.

After some discussion, it was determined that the clerks would still make notes on the oldest cases, but not all the cases on the list and the judges will see how that works for them.

15. Other

Judge Cary Augustine stated that the judges' chair in the ground floor courtroom in Boone also squeaks.

16. Comments From the Public

None.

17. Next Meeting Date

The next meeting date is December 9, 2008, in the Jury Assembly Room of the Callaway County Courthouse. The 6:00 p.m. Court en Banc meeting will be preceded by the court's attendance at the Callaway County Bar Association Holiday Party at 5:00 p.m., in the courtroom on the Second Floor of the Callaway County Courthouse.

Prepared by: _____
Joy Rushing
Assistant to the Court Administrator

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