

COURT EN BANC MINUTES
Tuesday, October 18, 2011, at 5:00 p.m.
Boone County Courthouse
Law Library

Judges Present: Judge Gary Oxenhandler, Kevin Crane, Robert Sterner, Christine Carpenter, Jodie Asel, Michael Bradley, Leslie Schneider, Larry Bryson and Commissioner Sara Miller.

Others Present: Court Administrator Kathy Lloyd, Callaway Circuit Clerk Judy Groner, Boone County Circuit Clerk Christy Blakemore, Adult Court Services Supervisor Pete Bakutes and Assistant to the Court Administrator Mary Epping.

1. Call to Order/Welcome

The meeting was called to order at 5:00 p.m. by Judge Gary Oxenhandler.

2. Introduction of All Guests

The guests shown under “Others Present” introduced themselves.

3. Approval of the September 13, 2011 Minutes

Judge Robert Sterner moved to accept the September 13, 2011, meeting minutes. Second: Judge Christine Carpenter. The motion passed unanimously.

4. Destruction of Records – Circuit Court – Boone County

Assistant to the Court Administrator Mary Epping said the Boone County Circuit Clerk’s Office asked to destroy, by shredding, the documents set out on pages 5-7. Judge Gary Oxenhandler asked if the documents contained the typical documents. Boone County Circuit Clerk Christy Blakemore said they did. Judge Jodie Asel made a motion to approve the destruction of the files. Second: Judge Michael Bradley. The motion passed unanimously.

5. Veterans Court

Judge Gary Oxenhandler said he met with Judge Michael Bradley, Judge Christine Carpenter and Court Administrator Kathy Lloyd to discuss adding a Veterans Court to the 13th Circuit and to discuss the use of Prop L funds to supplement MEND grant money. Judge Oxenhandler explained that Boone County was running out of its grant money for MEND (Men Exploring Non-Violent Directions - a court-ordered class through the Family Counseling Center) and that it was at a critical time to lose funding. The Prop-L fund was believed to have extra money designated for Mental Health Court participants that could be used for MEND. Judge Oxenhandler said the court talked with Boone County Auditor June Pitchford who advised the court to talk to the commission about using the Mental Health Court money for MEND. The commission okayed the line change. Judge Oxenhandler said Mental Health Court Coordinator Stacey Langendoerfer indicated Mental Health Court money was going faster than anticipated; however, Judge Oxenhandler said Reality House was creating a transitional housing program that would cost \$8 a day instead of \$35 which would save significant funds. Judge Oxenhandler said ultimately Boone County may use Prop-L money to supplement the MEND grant if the money is available.

Judge Oxenhandler said the second item discussed with Judge Bradley, Judge Carpenter and Kathy was adding a Veterans Court. It is anticipated there will be new legislation next August directed at

Veterans Courts. Judge Oxenhandler said we will track that legislation and look for new grants to support a Veterans Court. He said the current alternative sentencing courts are working with Veterans Affairs and will continue to nurture that relationship. Judge Michael Bradley explained there was a difference between Veterans Courts and other alternative courts. He said a lot of veterans have post-traumatic stress disorder or head injuries and they are self-medicating through using drugs and alcohol. Their symptoms are not the same as the people in mental health court or in other courts. Judge Bradley has worked closely with the VA on some individuals lately and in Veterans Court the V.A. assigns older veterans to mentor individuals in Veterans Court. Judge Oxenhandler thinks there should be funding sources available for this court, but it will take an act of the Court en Banc to create this Alternative Sentencing Court.

Judge Oxenhandler noted he attended the Mental Health Court graduation earlier in the day and encouraged others to attend future graduations because it reminds you of the purpose of these courts. He said one of the two graduates happened to be someone he sent to Mental Health Court. Judge Oxenhandler said it was clear the participants respect Judge Carpenter and Judge Bradley.

At this point, the meeting jumped to #14.

6. Missouri Lawyers Weekly

Assistant to the Court Administrator Mary Epping said that at the September Court en Banc the court approved reducing the number of Missouri Lawyers Weekly subscriptions from four to two. Mary was asked to look into the circuit's online subscription. She explained the 13th Circuit has two online accounts with unlimited access that are free with the subscriptions. She emailed everyone the usernames and passwords. The Court en Banc reasserted its intent to have two subscriptions and the two online subscriptions.

7. Sexual Harassment Committee

Assistant to the Court Administrator Mary Epping provided a handout with an updated list of the proposed Sexual Harassment Advisory Committee members. There were three new members proposed: Tim Gardner from the Juvenile Justice Center, Tara Eppy from the Callaway Juvenile Office, and Toni Kardon from the Boone County Clerk's Office. Diana Winn from Adult Court Services was up for renewal. Judge Kevin Crane moved to accept the new members and to renew Diana's membership. Second: Judge Leslie Schneider. The motion passed unanimously.

8. COR 21

Judge Gary Oxenhandler said this topic was discussed at the Criminal Justice Administration Coordination Committee meeting earlier that morning. Assistant to the Court Administrator Mary Epping explained that in April 2011 the Supreme Court of Missouri issued several orders updating its Rules and Court Operating Rules. Among them was Court Operating Rule 21 which goes into effect Jan 1, 2012. The 13th Circuit already meets many of the requirements in COR 21 such as accepting debit and credit cards, participating in the fine collection center, and charging a \$25 time payment fee on cases not paid in full within 30 days of disposition. COR 21.11 requires all circuit courts to develop a formal administrative plan for collecting court debt. The plan should address settlement agreements, payment plans, coordination with probation and parole, collection of board bills, review and write off of amounts receivable deemed uncollectible, and sanctions for non-payment of debt. Mary also cited a lawsuit in Lincoln County where a federal court allowed defendants to proceed as a class against the county for taking court fees, board bills and costs out of cash bonds. Boone and Callaway also do this practice, except for collecting board bills. Judge Oxenhandler said Mary will send an email to the appropriate agencies to ask for representatives to

work on a committee for implementing COR 21.11. Court Administrator Kathy Lloyd added that she hopes representatives from the Callaway Sheriff's Office, Circuit Clerk's Office and Prosecuting Attorney's Office will participate. Callaway County Circuit Clerk, Judy Groner asked whether the administrative plan would be for the whole circuit. Kathy said it would be to the extent it is possible. She suggested it might be beneficial for the counties to meet in two groups separately and then meet as one group.

9. Public Defender Appointments

Judge Gary Oxenhandler said he met with Public Defender David Wallis who indicated his office is finishing a brochure for in-custody defendants appearing by video advising them not to say anything that can be used against them. There will also be a Spanish version. Judge Oxenhandler said there have been a number of conversations about getting the Public Defender in cases as soon as possible in circuit and associate circuit courts, with the understanding that if there are eligibility issues the Public Defender will be allowed off of the case subject to defendant's appeal of their eligibility status. Judge Larry Bryson asked Adult Court Services Supervisor Pete Bakutes if defendants are given a warning when they talk over video with ACS and whether a record is made. Pete said his office does not make audio or video recordings and the only record is the notes his officers take, unless the jail makes a recording.

10. Private Probation

Judge Gary Oxenhandler said Adult Court Services Supervisor Pete Bakutes is going to research what entities may be able to provide private probation.

11. Defendant Serving 85% of Sentence

Judge Jodie Asel provided a list of cases that, by statute, require defendants to serve at least 85 percent of their sentence. There was a discussion about what updates have been made and should be incorporated to the list. The judges thanked Judge Asel for her list. Judge Asel asked if the judges should be telling the defendant it is mandatory that they serve 85 percent of their sentence. Judge Gary Oxenhandler said that was the public defender's job.

12. Callaway Budget – Printer for Marshals/Callaway Judges

Court Administrator Kathy Lloyd explained when the Callaway marshals were moved into two offices, one of the officers moved into what was the probate clerk's office. A printer was left by the probate clerk but the clerk's office is now asking the printer be returned to the clerk's office. Therefore, another network printer needs to be purchased for the marshals and judges. Kathy said there is money in Callaway's budget to purchase jury chairs this year, but the marshal said the demand for additional jury chairs is not high and they would rather have a printer. Judge Robert Sterner moved to approve the purchase of the printer instead of the jury chairs. Second: Judge Christine Carpenter. The motion passed unanimously.

13. MEND Funding

Judge Gary Oxenhandler said this topic was covered during the discussion of Veterans Courts, but he asked the Court en Banc to approve reallocating \$3,500-\$4,000 from Mental Health Court Prop-L money to help fund MEND if those funds are available. Judge Leslie Schneider moved to reallocate the money. Second: Judge Christine Carpenter. The motion passed unanimously.

14. Teleplus Recommendations

Court Administrator Kathy Lloyd said Boone County hired a company to do a telephone audit to see whether money could be saved on phone lines. The company, Teleplus, recommended the judges' home fax lines be changed to a line that saves \$20 per line per month. The only changes would be reprogramming the machines and dialing "9" before dialing a number. This change could only be done to fax machines in the Columbia area. Kathy said cell phones were also a part of the audit. There were three Treo lines that did not have any calls over a three month period, but it was not clear who had the Treo phones. Kathy said if someone wanted to continue using the Treo, to let her know, otherwise she asked if she could cancel the three lines. Judge Jodie Asel and Commissioner Sara Miller both thought they had Treos and were ok with canceling their lines. It was discussed that Judge Deborah Daniels may have the third Treo.

After this topic, the Court en Banc went back to #7.

15. Other

Judge Robert Sterner announced the Callaway County Bar's December Reception is scheduled for December 13. Judge Gary Oxenhandler proposed the Court en Banc's December meeting be on December 13 so that everyone can attend the reception.

Boone County Circuit Clerk Christy Blakemore thanked Judge Kevin Crane for speaking to the Missouri Association of Circuit Clerk's College with Doug Pugh. Their "performance" was a popular event.

16. Comments from the Public

None.

17. Next Meeting Date

The next meeting will be November 8, 2011, at 5:00 p.m. at the Boone County Courthouse, and the December meeting will be December 13, 2011 at the Callaway County Courthouse.

Prepared by: Mary Epping
Mary Epping
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Submitted by: _____
Kathy Lloyd
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Distributed on: _____