



THE
MACA Reporter

A Publication of the Missouri Association for Court Administration

Volume IX

Winter 1990

Presidents Report

I hope that all members received their Holiday Gift from MACA, a pocket calendar for 1990. Rita Bovinett, MACA Treasurer, deserves an applaud for ordering the calendars and mailing them out to all MACA Members. GOOD JOB RITA.....

As the new year rolls ahead, your MACA Officers and Directors have been busy planning for the 1990 Court Conference. This year's conference agenda will reflect items that you, MACA members, have requested. Please look over carefully all information that we have mailed to you. Be sure to mail in your hotel reservations A.S.A.P. to the Lodge. The deadline for lodging reservations is 4-10-90. Please send your City's Tax Exempt letter with your reservation slip to avoid paying sales tax. You may guarantee your reservation by enclosing your first nights deposit of \$61.00 or by giving a credit card number.

The Conference Critique that has been given to each member with the conference packet each year has been useful for your officers and directors in determining what the memberships' wants and needs are. We also get feedback on what we have done that was successful and what we have done that needs improving. As all of you know, MACA is a new association, and as in any new association or organization, you learn by trial and error. Your officers and directors are not professional speakers, actors, or entertainers. But, they are just like you, not perfect, not infallible, but human. They all have full time jobs in court administration and have dedicated their free time to make you a better court administrator. This paragraph on conference critiques is being written to thank all members who have taken the time to complete and turn-in conference critiques. Approximately 99.9% of the critiques were favorable and appreciated. To the 0.1% of critique writers who complained about everything from scoop to nuts, including complaining about your president not smiling enough, I want to thank you also for your input. I will try to smile throughout the complete conference, and I hope that you will try to smile back and that hopefully you will donate some of your free time to improve this association. We need all the help we can get.

During the summer of 1989, I attended the National Association for Court Management Annual Conference in Crested Butte, Colorado. The conference was held during the week of July 9-14. This was a very educational conference and the sessions included the following:

- Negotiation, Conflict Management, and Conflict Resolution
- Managing for Change, Leadership and the Process of Organizational Change
- Enhancing Your Writing Skills
- Dealing with Power in an Organization
- Federal and Private Grants Applications
- Automation as a Management Decision
- Video Recording in the Courts
- Collections: Effective Methods to Help Courts Collect Outstanding Fines
- The Role of the Court Manager in Court-annexed Arbitration



**National
Court
Conference**

Courts: "Separate but Subservient"
Ten Commandments of Public Speaking
Court Administration/Legal Administration
Budget Strategy
Projecting Personal Power

As you can see the conference was packed with interesting sessions. I am on the membership committee for NACM and will have membership applications with me at our conference for any of you that are interested in joining "NACM". The next conference will be held in Phoenix, Arizona September 9-14, 1990. I was the host for the session on Collections and wrote a brief summary for the NACM publication, the Court Manager. A copy of my article is inclosed with the MACA Reporter. I was also invited to attend a Leadership Seminar for State Presidents that preceded the NACM Conference. This one day seminar focused on the planning of statewide and regional educational seminars and conferences.



The President of the National Association for Court Managers, NACM, KAREN WICK, a court administrator for Evergreen District Court in Monroe, Washington will be our guest at this years conference. Karen's tireless efforts as an officer with NACM has made NACM an outstanding National Association for Court Managment and helped the membership of NACM surpass the 1,500 mark. We are happy that Karen will be able to attend our conference this year. I am trying to get NACM to back our State Certification Program.

The certification applications are slowly being turned in for our State Certification program. We are enclosing another certification application with this newsletter. Take the time to complete it, send copies of proof of completion of court related programs. If you have attended the one-day State Court Training Seminars, please list the year and location of the seminar, and we will give you credit for attending.

I hope this years upcoming Court Conference will be a great success and that we top our last years attendance record. I hope to see all your smiling faces at this years conference.

Best Regards,

Donna M. Johnson
Donna M. Johnson
President



ARTICLES SUBMITTED BY MACA OFFICERS

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Annual Conference Issue
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Collections: Effective Methods to Help Courts Collect Outstanding Fees, Fines, Forfeitures, and Penalties

REPORTER: *Donna M. Johnson*

Overall, it seems that all courts, regardless of size or jurisdiction, have a collection problem. Each court should develop a system or a method to deal with this problem. Panelists Carol J. Wilson, district court administrator, Lynwood, Washington; Jan Tait, municipal court director, Las Vegas, Nevada; and Barry Mahoney, of the National Center for State Courts' Institute for Court Management, discussed effective methods for collecting outstanding money.

Collection agencies have been used successfully by several courts to collect overdue money. A uniform system of notifying defendants of delinquent fees, fines, forfeitures, or penalties, used county- or statewide, aids in the collection process. For example, the Las Vegas Municipal Court has enjoyed success with a color-coded postcard notification system. Whatever system you choose, once you have developed a system for collections, you should establish a block of time for the collections effort and stick to it.

Fall 1989

WINDOW VISION REDUCING MATERIAL:

Many police departments around the state are discovering many vehicles in violation of the State Statute 307.173 vision reducing or dark tint windows on vehicles.

The Statute prohibits any motor vehicle registered in this State on any public highway or street with any manufactured vision reducing material applied to any portion of the motor vehicle's windshield, side wings, or windows located immediately to the left or right of the driver which reduces visibility from within or without the motor vehicle. The Statutes do not prohibit factory installed tinted glass.

Any person who install or has installed the dark tinted material on their vehicle is in violation of this law.

Legal examples are as follows:

On pick-up trucks, the only place that reduced vision material may be installed is the back window. On passenger vehicles the material may only be installed on the back side glasses and the back glass. In cases of suburban-type vehicles and window vans, the vision material can be applied from the driver's compartment back down the sides and the rear window.

If a motor vehicle has been installed with the vision reducing material, a violation, they shall not be approved during any motor vehicle inspection. Violations of the statute is a Class C misdemeanor.



DISASTER RECOVERY: ARE COURTS PREPARED?

Hurricane Hugo caused over two billion dollars of property damage across the Carolinas and into the Virginias. On October 17th, the Santa Cruz earthquake caused extensive property damage and over 50 deaths. Both natural disasters seriously disrupted governmental services by knocking out electrical power and telephone service. The Charleston, South Carolina, courthouse lost its roof and suffered interior water damage, and electricity was not restored to many parts of the downtown area for nearly a week. Major transportation systems in San Francisco were closed for repairs or inspection.

Most businesses in Hugo's path were damaged and many were effectively destroyed by the hurricane's wind, rain, and tornadoes. Major data center operations in San Francisco's Bay Area were, without warning, interrupted. Various news reports indicate that private-sector automation activities may have been better protected than local government operations. A Charleston disaster recovery firm with ten private-sector subscribers reported that only one would require remote site operation as a result of hurricane damage. With disaster recovery plans in place, these private-sector firms were able to assess quickly the damage and recover by the weekend.

Courts must take an active interest in contingency-planning both in conjunction with other local and state agencies and within the court itself. Contingency planning extends to the court staff, court operations, and court property. Hardware and the managed information are probably the easiest elements to protect. Service bureaus, redundant computer and communication systems, reciprocal agreements with other local and state government agencies, and membership in a commercial "hot site" or "cold site" can provide protection. A "hot site" is a remote location with both hardware and client software immediately available to restart operations.

A "cold site" is a remote location where the client can have hardware and software installed quickly. Courts can also identify underused hardware that can be stored in a safe location for emergency use.

Contingency planning should include emergency procedures to be used by court staff during the recovery period. Allowing court operations to continue. These procedures should include identifying alternative court sites, such as schools, National Guard buildings, civic centers, and other locations accessible to the public where the court could temporarily function while court operations are restored. If enough warning is given, the court should move transportable property to a safer location.

Disaster recovery plans are an important consideration as industry and the public sector rely more heavily on automated systems. Such plans require planning and a commitment of resources. Court managers, community leaders, and local-funding bodies should recognize the importance of disaster recovery.



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planning and cooperate in the implementation of such plans. There are numerous disaster recovery specialist in the private sector to assist courts in developing plans.

The National Center for State Courts' Technical Services division is interested in collecting information on state and local disaster recovery plans, particularly as they pertain to courts. Do courts feel secure about the provisions that have been made for them? If your court, agency, or company has a disaster recovery plan or product, let us know. We'll share the information in response to specific requests.

Send plans and requests of other plans to National Center for State Courts, 300 Newport Avenue, Williamsburg, VA. 23187-8798 or call (804) 253-2000, ext. 343.

MANDATORY FINANCIAL RESPONSIBILITY:

Financial responsibility is now the law in Missouri. Because there have been inquiries to clerks about what procedure is to be followed by persons when a notice is received, the Department of Revenue was contacted and the following information was received from Barbara Hale. Hopefully this information will assist you in answering questions that are directed to you.

When persons are notified by the Department of Revenue, Drivers License Bureau, to show "proof of insurance", they are given 33 days to provide the following information:

- copy of their motor vehicle liability insurance identification card
- copy of the motor vehicle liability insurance policy
- copy of the motor vehicle liability insurance binder

If they fail to provide proof by one of these methods, a license suspension is imposed. The periods of suspension and reinstatement requirements are as follows:

- First offense - 60 day suspension - person must pay a \$200 reinstatement fee and file proof of financial responsibility
- Second Offense - 1 year suspension - person must pay a \$400 reinstatement fee and file proof of financial responsibility
- Third Offense - 2 year suspension - person must pay a \$800 reinstatement fee and file proof of financial responsibility

If you need additional information or have any questions, please feel free to contact me at: Drivers License Bureau, P.O. Box 200, Jefferson City, MO 65105-0200 or by calling (314) 751-4853.



SEXUAL HARASSMENT IN THE WORK PLACE
Civil Rights Act of 1964, Title VII, Section 703, Part 1604

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when one of the following conditions exist: Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment. Submission to or rejection of such conduct by an individual is used as the basis for employment, decisions affecting such individual, and such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Out of 4859 women surveyed, 90% of them think sexual harassment is a problem. Out of the same number surveyed, 70% of the working women feel they have been harassed at one time or another. Sexual harassment can be as severe as being physically touched or grabbed, repeated pressure to engage in some type of a sexual relationship or as simple as unwanted sexual remarks or teasing, suggestive looks and leers. All of these are considered sexual harassment and are against the law.

It is the responsibility of the organization, manager, supervisor, and the individual employee to control sexual harassment in the work environment and to establish methods for determining whether the potential exists for sexual harassment and methods for resolving the problems. It is especially important for the organization and those in charge to discourage this kind of harassment for they can be held liable. The Civil Rights Act of 1964 states "Where employment opportunities or benefits are granted because of an individual's submission to the employer's sexual advances or requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other persons who were qualified for but denied that employment opportunity or benefit." Most large, private industries have adopted a sexual harassment free environment workplace and it is equally important that government work places, whether large or small, adopt some type of policy regarding this type of discrimination.

It is important to understand that you as the employee, can do a great deal on your own to stop sexual harassment. The kind of signals or feedback you give to another person is the first step. Be sure your communications are clear about offensive behavior and that the harasser understands how you feel. It is



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also essential to examine your interactions with the other people at work and decide if your behavior is appropriate. What kind of reactions do you get when you tell a joke, touch another employee, or make a remark about someone's appearance? Do you back off when you get a negative response? Taking responsibility for your own actions doesn't mean stopping friendliness and sharing at work. It simply means being aware of and respecting other's feelings.

If you own efforts to deal with the harasser fail, then go to your supervisor, manager or a designated person within your organization for help. Present your case clearly, with the facts, and try to have documentation of incidents and, if possible, a list of witnesses. External resolution would be the last recourse. If you are not able to solve your problem through the organization's internal channels, then you have the option of taking your case to the Equal Employment Opportunity Commission, an attorney, or a women's group.

Keep it in mind. Sexual harassment on the job is against the law and should not have to be tolerated! For further clarification on this law, see the Civil Rights Act of 1964, Title VII, Section 703, part 1604 regarding sexual harassment.

God gave us two ears but only one mouth. Some people say that's because he wanted us to spend twice as much time listening as talking. Others claim it's because he knew listening was twice as hard as talking.

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"Just relax! As your attorney, I'll do your lying for you."