



MACA REPORTER

A Publication of the Missouri Association For Court Administration

VOLUME 56

FALL 2003

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BMIT ARTICLES TO:

Glenda Atkinson
Court Clerk
205 North Main
Cameron, MO 64429

fax: 816-632-1067

A Word From the President

Greeting from Sullivan! Hasn't the weather been beautiful? I love the fall of the year...getting out the sweaters, hay rides, Halloween parties and hot chocolate. I hope this note finds all MACA members doing well.

September 2003 has come and gone now, but I and the Board hope those of you who attended the Fall Professional Development Seminars came away with a lot of new and useful information. I had other commitments that weekend and so I missed out on all the fun. But I hope all those in attendance realize how hard the Professional Development Committee worked to make successful seminars for the attendees. I applaud Pam DeVault and the Regional Directors from 2, 4, 6 and 8 for a job well done.

The Board met at Tan-Tar-A on October 10th - 11th for our October Board Meeting. Agenda items for this meeting included the passage of the 2004 MACA Budget (you will find a copy of it elsewhere in the newsletter), the Education Committee submitted an outline of the 2004 Annual Conference which is titled: Community and the Courts: Bridging the Gap (it looks to be an educationally packed week) and the formation of an Advanced Certification Committee just to name a few.

As you are all painfully aware, the budget cuts have effected the training offered by OSCA. There is no training scheduled for Municipal Courts at this time and Municipal Courts will not be invited to attend the upcoming Court Clerk Colleges. MACA is trying very hard to pick up the slack created by this budget cut. We have decided to move the Professional Development Seminars to March, 2004 and have our version of a Legislative Update in September, 2004. There will be more information forthcoming as the details are worked out. But it is the Board's intention to provide the membership with 10 hours of education outside the Conference for those who cannot attend the Conference but need the education to maintain their CCA.

You will find in this issue of the MACA Reporter (or on the website) applications for a MACA Scholarship, application for MACA Membership, Award of Merit nomination and a Declaration of Candidacy for Regions 2, 4, 6 and 8. Make use of those forms. MACA is YOUR association and we need your input and involvement. Deadlines for filing the forms is March 15, 2004

Well, believe it or not, I think I have said just about all I have to say for the time being. Please always remember that I am here should any of you need anything. I can be reached by mail, phone, fax or email.

Until next time,
Andrea

REGION 5 DIRECTOR

My name is Janet Stemm. The Duquesne Municipal Court was established in December of 1994. I came to work for the City as Court Clerk in March of 1995. I became a MACA member at the time. I served on the MACA Board of Directors from 1996 to 1999. I became a CCA in May of 1999. In June of 1997 I helped form the South West Association for Court Administrators, SWACA / MACA, and served as President. I am proud to say that Region 5 SWACA / MACA was the fifth Chapter Association accepted by MACA in October 1997. We are 30 members strong at the present time and hope to "**Have more in 2004**". I look forward to serving on the MACA Board in capacity of Awards and Scholarship Chairperson.

Cities in Missouri are seeing drastic cut backs in their funding for this next year. Members need to seriously consider our Scholarship Application Form that is in this issue of the MACA Reporter. Looking forward to hearing from you. In Your Service.

TAN-TAR-A

Tan-Tar-A Resort is pleased to announce that they have the capability to accept reservations online, via the web site at www.tan-tar-a.com. This new feature guides you through the reservations process. Once on the web site, follow the process listed below:

- * Click the "on-line reservations" feature.
- * Click the "conference attendee" feature.
- * Enter the "group access code of "CRTR" and the "password of CRTR04."
- * You will be guided through a step-by-step process. This process is a series of questions that will supply Tan-Tar-A with the information required in order to confirm your reservations, as long as valid credit card information is provided. A confirmation will be e-mailed back to you.

If you experience problems with this online reservation process, please call Kelly Fuller at (573) 348-8435, or e-mail her at kfuller@columbiasussex.com. <<mailto:kfuller@columbiasussex.com>>

MACA CONFERENCE ISSUES

During the MACA Conference held in Columbia, September 11 and 12, 2003 the following issue arose:

Can the prosecuting attorney or the court dismiss cases and still charge court costs?

The Office of State Courts Administrator has researched this issue and recommends that NO costs be charged upon dismissal of the case. The following are statute and case references used in determining this recommendation.

If your court has further questions regarding this issue, we recommend bringing the issue before your Judge.

Research on costs allowable on criminal cases that are dismissed by the prosecuting attorney or the court:

The cost cards have all the statutory references for each individual cost. Those fees that reference COR21 are created by statute in chapter 488. On most statutes for fees and surcharges there is a specific statement to the effect that "no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county or municipality or when a criminal proceeding or the defendant has been dismissed by the court" The statutes vary on the exact wording but it is similar - three examples are:

488.024 Sheriffs' retirement
488.027 Court Automation
488.4014 County fee

There are a couple of statutes that are silent on the issue, one is 488.012 RSMo for the clerks fee; however Chapter 550 appears to cover when costs can be assessed to the defendant and when the county pays for the costs (for the few that do not have the above language). Two appellate cases specifically address the issue:

In *State v. Jarvis*, the court stated that there is no authority under 550.040 RSMo to assess costs when the case is dismissed. Furthermore, in *State v. Wilbur*, the court held that in a dismissal the costs should be assessed to the county - of course this would only apply to those that specifically provide that they are NOT to be assessed if costs are to be paid by the county.

State v. Jarvis, 809 S.W.2d 460, 461 (Mo. App., 1991):

"Finally, in passing we observe § 550.040, RSMo 1986, provides that when a defendant is acquitted, "the costs shall be paid by the county in which the indictment was found or information filed..." And, for purposes of § 550.040, a nolle prosequi amounts to an acquittal. *State v. Wilbur*, 450 S.W.2d 458, 460 (Mo. App. W.D. 1970). Further, there is no statutory authority to assess costs against defendant when there is a nolle prosequi."

Also see: *State v. Wilbur*, 450 S.W.2d 458, 459-460 (Mo. App. 1970) and Sections 550.010, 550.040, 550.090 RSMo

Submitted by Carrie Wolken, Office of State Courts Administrator.

**MISSOURI ASSOCIATION FOR COURT
ADMINISTRATION**
ESTABLISHED 1986

**AWARD OF MERIT
APPLICATION FOR NOMINATION**

NAME OF NOMINEE: _____

MAILING ADDRESS: _____

PHONE NUMBER: _____ E-MAIL: _____

JOB TITLE & BRIEF DESCRIPTION: _____

NUMBER OF YEARS OF SERVICE IN COURT ADMINISTRATION: _____

PREVIOUS AWARDS / RECOGNITION: _____

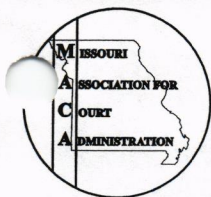
BRIEFLY DESCRIBE WHY THIS PERSON DEMONSTRATES LEADERSHIP AND EXCELLENCE IN
MODERN JUDICIAL MANAGEMENT AND COURT ADMINISTRATION: _____

SPECIFIC ACCOMPLISHMENTS AND / OR PROJECTS: _____

NOMINATED BY: _____ TITLE: _____

APPLICATIONS *MUST* BE RECEIVED NO LATER THAN MARCH 15, 2004

MAIL TO: JANET STEMME
DUQUESNE MUNICIPAL COURT
1501 S DUQUESNE ROAD
JOPLIN, MO 64801



MISSOURI ASSOCIATION FOR COURT ADMINISTRATION

Established 1986

2004 MEMBERSHIP APPLICATION FORM

(Note: Complete an Application Form for each Member.) DATE: _____
- Please Print Clearly -

INDIVIDUAL'S MEMBERSHIP DATA: First-Time Member _____ Previous Member _____

Name: _____ Court Title: _____

Social Security #: _____ - _____ - _____ Years of Court Service: _____ Date Rec'd. CCA: _____

E-mail Address: _____

⚡ (Other names that you may have been listed under: _____)

⚡ (If new clerk, name of clerk that you are replacing: _____)

⚡ Previous clerk: Retired _____ Transferred - Another court _____ Other (?) _____

COURT'S MEMBERSHIP DATA: First-Time Member _____ Previous Member _____

Name of Court: _____

Court Mailing Address: _____

City _____ MO Zip _____ - _____

PHONE # (____) _____ Ext. # _____ FAX # (____) _____
Court's Main Phone # Clerk's Ext. # Court's Main Fax #

Type of Court: Municipal _____ Associate _____ Circuit _____ Other _____

County: _____ Circuit #: _____ MACA Region # _____ (1-10) (See Reverse)

Judge's Name(s) _____ Prosecutor's Name(s) _____
Chief Judge Chief Prosecutor

ANNUAL MEMBERSHIP FEES OF \$35 ARE DUE ON JANUARY 31st OF EACH YEAR. (All Categories)

Note: Eff. Mar. 17, 2001; Membership Dues are not transferable.
Eff. Aug. 03, 2002; Membership Dues received after Oct. 31, will not be accepted for the current year.

MAKE CHECK PAYABLE TO: MACA

Mail To: Cindy Stranghoener, MACA Treasurer
Owensville Municipal Court
107 W. Sears Ave.
Owensville, MO 65086

Yearly Dues: \$35.00

Amount Paid: _____

Form Rev. 10/01/2003

-MACA USE ONLY-

Date Pmt. Rec'd: _____ Amt. Rec'd: _____ Check# _____

CONGRATULATIONS TO OUR NEWEST CCA'S

**Giovanni O. Carollo - Festus
Donna J. Elliott - Battlefield
Donna S. Jennings - Bonne Terre
Sharon E. Seebach - DesPeres
Lisa M. Weppner - Eldon
Diane M. Witte - Wentzville**

**The next application deadline is March 1, 2004.
All CCA Plaques will be presented at the
2004 Annual Conference in May, 2004.**

** APPLICATIONS *MUST* BE RECEIVED NO LATER THAN MARCH 15, 2004 **

SCHOLARSHIP APPLICATION 2004

NAME: _____

COURT: _____

MAILING ADDRESS: _____

CITY & ZIP: _____

BUSINESS PHONE: _____

COURT CLERK / ADMINISTRATOR FOR _____ YEARS / MONTHS

MEMBER OF MACA SINCE: _____

POPULATION: _____ 10,000 & UNDER _____ OVER 10,000

AMOUNT BUDGETED BY CITY FOR TRAVEL / EDUCATION FOR

MUNICIPAL COURT EMPLOYEES: \$ _____

NUMBER OF COURT EMPLOYEES: _____

ARE ANY TRAVEL EXPENSES ASSUMED BY CLERK / ADMINISTRATOR REIMBURSED BY YOUR CITY: (circle one) YES NO

DOES YOUR COURT COLLECT \$1.00 FROM COURT COSTS FOR JUDICIAL EDUCATION FUND? (circle one) YES NO

IF YES, AMOUNT COLLECTED FOR _____ : \$ _____

**** Please attach a copy of your budget for the last fiscal year. ****
Mail to: Janet Stemm, Duquesne Municipal Court
1501 S Duquesne Road, Joplin MO 64801

SIGNATURE

DATE

**** MACA USE ONLY ****

PAID: CHECK # _____

DATE: _____



MACA APPROVED BUDGET

(AS AMENDED OCTOBER 11, 2003)

JANUARY 2004 THRU DECEMBER 2004

INCOME

2004 Membership Dues	12,000.00
2005 Membership Dues	750.00
Conference Registration Fees	40,000.00
Contingency	22,755.00
Interest Earned	150.00
MACA Promotional Sales	1,000.00
MTI Contract	5,000.00
MTI Expenses	2,100.00
MTI Indirect Expenses	6,300.00
Professional Development Fees	2,500.00
Plaque Reimbursement (CCA)	1,400.00
Pre-Conference Fees	2,300.00
Vendor's Fees	1,200.00

TOTAL INCOME**\$97,455.00****EXPENSES****Annual Conference**

Audio Visual	5,500.00
CCA Plaques	1,000.00
Conference Gift Items	2,000.00
Conference Pins / Ribbons	750.00
Lodging	600.00
Meals / Breaks	17,000.00
MTI (CEU)	500.00
MTI Contract	5,000.00
MTI Expenses	2,100.00
MTI Indirect Expenses	6,300.00
Offic / Dir Plaq / Certificates	300.00
Postage	350.00
Printing	4,000.00
Promotional Items (sales)	1,000.00
Social	2,000.00
Speaker Fees 2004	12,500.00
Speaker Fees 2005	5,000.00
Supplies	300.00
Tips / Service Charges	60.00
Vendor Table Fees	250.00

TOTAL ANNUAL CONFERENCE**\$66,510.00****Association Expenses**

Equipment Maintenance	200.00
Legal Fees / CPA	500.00
Lodging	5,000.00
Meals	600.00
NACM Conference Expense	2,500.00
Postage	200.00
Presidential Expense	400.00
Storage Facility	375.00
Supplies	1,300.00
Technology Fees	1,500.00
Travel Expenses	3,200.00

TOTAL ASSOCIATION EXPENSES**\$15,775.00****COMMITTEES**

Historian	100.00
Meetings	500.00
Membership Drive	200.00
Postage	150.00
Supplies	50.00
Travel	50.00

TOTAL COMMITTEES**\$1,050.00****EDUCATION COMMITTEE**

Lodging	750.00
Meals	120.00
Travel	600.00

TOTAL EDUCATION COMMITTEE**\$1,470.00****PROFESSIONAL DEVELOPMENT****\$2,500.00****NEWSLETTER / PUBLICATIONS**

Membership Directory	200.00
Postage	1,000.00
Typesetting	5,000.00

TOTAL NEWSLETTER / PUBLICATIONS**\$6,200.00****PRE-CONFERENCE EXPENSES**

Audio / Visual	250.00
Break	100.00
Postage	500.00
Printing	600.00
Speakers	750.00
Supplies	100.00
Travel Expense For Speaker	300.00

TOTAL PRE-CONFERENCE EXPENSE**\$2,600.00****REGION TRAINING / DEVELOPMENT**

Region 1	150.00
Region 2	150.00
Region 3	150.00
Region 4	150.00
Region 5	150.00
Region 6	150.00
Region 7	150.00
Region 8	150.00
Region 9	150.00

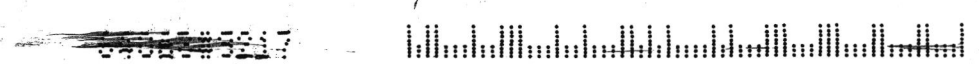
TOTAL REGION TRAINING / DEVELOPMENT**\$1,350.00****TOTAL EXPENSES****\$97,455**



MISSOURI ASSOCIATION FOR
COURT ADMINISTRATION
C/O Cameron Municipal Court
205 North Main
Cameron, MO 64429



Alberta A. Talken
Raymore Municipal Court (2)
100 Municipal Circle
Raymore, MO 64083



Membership Listing On The Website

Address changes are maintained on the association computer when your dues are sent in or address changes are sent in. However, MACA can only have the website updated quarterly. It costs the association every time we make changes to the website, therefore membership address changes are made only 4 times a year.

