

CHAPTER 5

# Judicial Branch



**Knox County Judges, 1882.**

(Missouri State Archives, photo courtesy of Elizabeth Anne Woolery)

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# Missouri's Judicial System

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From its inception in 1820, Missouri state government has been constitutionally divided into three separate branches—the legislative, executive and judicial departments. The judicial department's function is not to make the laws of the state or to administer them, but to adjudicate the controversies that arise between persons and parties, to determine fairly and justly the guilt or innocence of persons charged with criminal offenses, and to interpret the laws of the state as enacted by the legislature and carried out by the executive.

The roots of Missouri's judicial branch reach back to the days when Missouri was a part of the Missouri Territory controlled by the French and Spanish. When Missouri was officially organized as a territory in 1812, the judicial power was vested in a superior court, inferior courts and justices of the peace. The Constitution of 1820, the state's first constitution, placed the judicial power in a Supreme Court, chancery courts (later abolished by the General Assembly), and circuit and other courts to be established by the legislature.

Today, Missouri has a three-tier court system. Article V of the Constitution, as amended by Missouri voters in 1976, vests the judicial power in a Supreme Court, the state's highest court, with statewide jurisdiction; in a court of appeals consisting of districts established by the General Assembly; and in a system of circuit courts that have original jurisdiction over all cases and matters, civil and criminal.

Effective January 2, 1979, the circuit court system absorbed all former courts of limited jurisdiction and became the state's single trial court. Cases once heard in magistrate and probate courts, in the St. Louis Court of Criminal Corrections, in the Hannibal and Cape Girardeau Courts of Common Pleas, and in municipal and other local courts now are heard in appropriate divisions of the circuit courts.

All the judges of these former courts have become either circuit, associate circuit or municipal judges. They may hear and determine different classes of cases within their respective circuits. A presiding judge, elected for a two-year term, has general administrative authority over all judicial personnel in the circuit. He or she may assign other judges throughout the circuit to

relieve case load and administrative backlogs. The Supreme Court and court of appeals have general superintending control over all courts and tribunals within their jurisdictions. Original remedial writs may be issued and determined at each level of the court system. Decisions of the Supreme Court are controlling in all other courts.

## Selection of judges

In the first 30 years of Missouri's statehood, the judges of the supreme, circuit and chancery courts were appointed by the governor with the advice and consent of the Senate. After much public discussion, the Constitution was amended in 1849 to provide for the popular election of judges, and this system remains in effect for most Missouri courts even today. In most circuits, the judges are elected by the voters in partisan elections.

However, in 1940 Missouri voters amended the Constitution by adopting the "Nonpartisan Selection of Judges Court Plan," which was placed on the ballot by initiative petition and which provides for the nonpartisan (non-political) appointment of certain judges, rather than having them popularly elected.

The Constitution, as amended further in 1976, provides that the Nonpartisan Court Plan is to be in effect for the Supreme Court, the court of appeals, and the circuit courts within the City of St. Louis and Jackson County. In addition, voters in St. Louis, Clay and Platte counties have elected to institute the plan, and the Kansas City Charter extends a nonpartisan selection plan to Kansas City municipal court judges. While all other judges are popularly elected, other judicial circuits may adopt the plan upon approval by a majority of the voters in the circuit.

Under the Missouri Court Plan, as it is often called, a vacancy on a court to which the plan applies is filled in the following way. A nonpartisan judicial commission of lay persons, lawyers and judges selects three persons from those who apply based on merit. The governor appoints one of the three. A judge appointed in this way must stand for retention in office at the first general election occurring after the judge has been in office for 12 months; the judge's name is placed on a separate judicial ballot, without political party designation, and the voters must vote either for or against retention in office. The judge's name is again placed on the ballot for retention vote at certain intervals. The Missouri Court Plan has served as a national model for the selection of judges and has been adopted by a number of other states.

Every supreme, appellate, circuit and associate circuit court judge must be licensed to practice law in Missouri. By constitutional amendment and statute, all judges must retire by age 70.

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# Supreme Court of Missouri

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Supreme Court Building, PO Box 150  
Jefferson City 65102  
Telephone: (573) 751-4144

## History and organization

The Supreme Court has been the state's highest court since 1820, when the first Missouri Constitution was adopted. The earliest court, consisting of only three members, was required to hold sessions in four different judicial circuits in the state. At various times, the court sat in St. Louis, Jackson, Cape Girardeau, St. Charles, Boonville, Fayette, Hannibal, Lexington and other cities.

The size of the Supreme Court was increased to five judges in 1872 and to its present size—seven judges—in 1890. Because of the Court's increasing caseload, commissioners were appointed for a brief period in the 1880s. In 1911, the legislature authorized the court to appoint four commissioners, and in 1927, the number was changed to six. The commissioners were required to possess the same qualifications as judges of the Supreme Court. They received the same compensation and were appointed for four year terms. The commissioners in the past have heard cases along with the judges and their written opinions, if approved by the court, were promulgated as opinions of the Court.

Under terms of the 1970 constitutional amendment of Article V, the offices of the commissioners ceased to exist when the individuals holding the offices retired, resigned, died or were removed from office.

In 1890, the Supreme Court was divided into two divisions to permit it to handle and decide more cases in a shorter time. Under the present Constitution, the Court may sit *en banc* (all seven judges together) or in as many divisions as the court determines are needed. Today, all cases are assigned to and decided by the Court *en banc*.

## Supreme Court jurisdiction

Originally, the Supreme Court had only the traditional powers to decide cases on appeal from the lower courts (either the circuit courts or the court of appeals) and to issue and determine original remedial writs, such as habeas corpus, mandamus and prohibition. The Constitution of 1945 also authorized the court to establish rules



THOMAS F. SIMON  
Clerk, Missouri Supreme Court

for practice and procedure in the courts and to make temporary transfers of judicial personnel. Maintaining and updating the rules is a continuous process requiring substantial time. Each year, the Supreme Court, through the state courts administrator, transfers several hundred court personnel on a temporary basis to assist other courts. This usually is done when a judge has been disqualified by the parties in a case or when a judge's docket has become overly crowded and the judge cannot handle all the cases expeditiously.

The constitutional amendments of 1976 and 1982 defined the jurisdiction of the Supreme Court more narrowly than in the past, resulting in its receiving fewer cases on appeal and directing more appeals to the court of appeals. Under the amendment, the Supreme Court has exclusive appellate jurisdiction in all cases involving: the validity of a treaty or statute of the United States or of a statute or provision of the Missouri Constitution; the construction of the state's revenue laws; the title to any state office; and in all cases where the punishment imposed is death.

Cases do not have to fall within this area of exclusive jurisdiction to reach the Supreme Court, however. The Court may order cases transferred to it from the court of appeals if the cases involve questions of general interest or importance, if the court thinks the existing law should be reexamined, or for other reasons provided by rule of the court. The court of appeals also may order a case transferred to the Supreme Court either by order of the court of appeals itself or by the dissent of a court of appeals judge, if that judge certifies the court of appeals opinion is contrary to previous decisions of the Supreme Court or of other districts of the court of appeals.

In addition to its decision-making powers, the Supreme Court supervises all lower courts in the state. It is assisted in this task by the Office of State Courts Administrator, established in 1970. The Supreme Court also licenses all lawyers practicing in Missouri and disciplines those found guilty of violating the legal Rules of Professional Conduct.

## Qualifications and terms

Supreme Court judges must be at least 30 years of age, U.S. citizens for 15 years and qualified Missouri voters for nine years. Supreme Court judges are retained for 12-year terms.

## Chief justice

The seven judges of the Supreme Court select one of their number to be chief justice and preside over the court. The chief justice also handles many of the administrative details for the court. The present practice of the court is to rotate the position of chief justice every two years.

The court hears oral arguments each month from September through May. Court sessions are open to the public.

## Supreme Court Building

The Supreme Court Building, a three-story, red brick structure of French Renaissance architecture, was built in 1907 and stands opposite the Capitol. It houses the attorney general's offices as well as those of the Supreme Court. The building's main features are a massive marble staircase in the lobby and the two-story high library. The building has been extensively refurbished and modernized with the use of moneys appropriated by the General Assembly.

## Clerk's office

The clerk of the Supreme Court is responsible for a wide range of duties, including the supervision of the internal administrative function of the Court itself as well as the planning and administrative direction of the Missouri Judicial Conference, the organization comprising all of the judges in the state.

## Supreme Court function

The day-to-day administrative duties, as they relate to the court, include handling all inquiries and procedural requests from attorneys throughout the state, arranging the docketing of cases, maintaining files in each case before the Court, receiving and disposing of fees related to those cases, and printing and distributing opinions of the Court. In all of these matters, the clerk reports directly to the chief justice.

## Missouri Bar responsibilities

The clerk of the Supreme Court has a number of additional duties relating to The Missouri Bar and the supervision of the admission of new attorneys.

Among the records required to be maintained by the clerk are the official and permanent roll of attorneys for the State of Missouri. The clerk's office also prepares on request certificates evidencing admission to The Missouri Bar. By Supreme Court rule, the clerk is treasurer of the state board of law examiners, which conducts bar examinations twice yearly. The clerk also

supervises the semi-annual enrollment ceremonies and prepares all attorney licenses.

By Supreme Court rule, the clerk is *ex officio* treasurer of The Missouri Bar and the advisory committee and is responsible for collecting the annual attorney enrollment fee and distributing Missouri Bar membership cards to all attorneys licensed to practice in Missouri. He is responsible for maintaining the official records of The Missouri Bar and the bar fund and for preparing annual financial reports for publication in the *Journal of The Missouri Bar*. The clerk also is responsible for conducting annual elections for The Missouri Bar board of governors.

## Security administration

Additionally, the Supreme Court's security administrator is under the clerk's supervision. He is responsible for building security and the transportation of prisoners. The security administrator also acts as bailiff when the Court is in session.

## Supreme Court Library

Telephone: (573) 751-2636

The Supreme Court Library, which is on the second floor of the Supreme Court Building, contains more than 110,000 volumes. These include the decisions of state and federal courts and federal administrative agencies, statutes of all states, 150 legal periodicals, legal textbooks, and many English decisions and statutes. In addition, the library contains computer research services for the use of court personnel.

The library's main responsibility is to meet the research needs of the Supreme Court, the attorney general's office, the General Assembly and the state's executive department agencies, but it also provides resources to members of the bench and bar and the general public. It maintains daily hours throughout the year.

## Supreme Court publications

Telephone: (573) 751-4696

There are three monthly publications available to the public on a subscription basis. Tomorrow's Opinion Monitor (T.O.M.) allows electronic exploration of all cases in the appellate system with condensed legal arguments of pending cases, summaries of opinions and official citations. Infinite possibilities for searching include subject, statute, rule, keyword, attorney, and judge name. The *Opinion Summary* provides subscribers with a brief digest of decisions from the Supreme Court and Court of Appeals. The *Pending Issues Digest* provides a summary of the issues raised in legal briefs filed in the courts.

The *Missouri Approved Instructions—Criminal* and *Missouri Approved Charges—Criminal* also are published by the publications department.

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# Stephen N. Limbaugh Jr.

## Chief Justice of the Supreme Court

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STEPHEN N. LIMBAUGH JR. was born January 25, 1952, in Cape Girardeau.

Judge Limbaugh was educated in the Cape Girardeau public schools and later graduated from Southern Methodist University (Bachelor of Arts, 1973; Juris Doctor, 1976) and the University of Virginia (Master of Laws in Judicial Process, 1998).

Judge Limbaugh was admitted to the State Bar of Texas and The Missouri Bar in 1977. He was engaged in private practice with the Cape Girardeau law firm of Limbaugh, Limbaugh and Russell from 1977–1978. In November 1978 he was elected prosecuting attorney of Cape Girardeau County and served from 1979–1982. He then returned to private practice with the Limbaugh firm from 1983 until September 1987 when he was appointed Circuit Judge, 32nd Judicial Circuit, for a portion of an unexpired term. He was elected in 1988 for the remainder of the unexpired term and re-elected in 1990 for a full six-year term. While circuit judge, he served as Presiding Judge of the 32nd Judicial Circuit and as judge of the Juvenile Court.

Judge Limbaugh has served on the Missouri Division of Youth Services Advisory Board and the governing boards of Southeast Missouri Hospital, Southeast Missouri Council and Great Rivers Council of the Boy Scouts of America, Cape Girardeau United Way, Cape Girardeau Civic Center, Cape Girardeau and Jefferson City Community Concert Associations, Cape Girardeau Rotary Club, Cape Girardeau Jaycees, Greater Cape Girardeau Development Corporation, Centenary United Methodist Church, William Woods University and the Southern Methodist University Law Alumni Association. He is a member of the Jefferson City Rotary Club and is a Paul Harris Fel-



low. He is also a member of the American Bar Association and a Fellow of the American Bar Foundation. He is a recipient of: the University of Missouri–Columbia School of Law Distinguished Non-Alumnus Award; Distinguished Eagle Scout Award from the National Eagle Scout Association; and honorary degree of Legum Doctorem from William Woods University.

He was married on July 21, 1973, to the former Marsha D. Moore. They have two sons, Stephen III and Christopher. His father, Stephen N. Limbaugh Sr., is a senior United States District Judge in St. Louis.

Judge Limbaugh was appointed by Governor John Ashcroft to the Supreme Court in August 1992. He was retained at the November 8, 1994 general election for a term expiring December 31, 2006.

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# Duane Benton

## Judge of the Supreme Court

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DUANE BENTON was born September 8, 1950, in Springfield and grew up in Mountain View, Willow Springs and Cape Girardeau.

Judge Benton is a 1972 graduate of Northwestern University, Evanston, Illinois, graduating *summa cum laude* and Phi Beta Kappa. Benton received a law degree from Yale Law School in 1975, distinguishing himself as editor and managing editor of the *Yale Law Journal*. Selected as a Danforth fellow, he completed the Senior Executives Program at Harvard University, John F. Kennedy School of Government. He has also accomplished the post-graduate Appellate Judges Course at the Institute of Judicial Administration, New York University. He holds a Master of Laws degree from the University of Virginia and honorary Doctor of Laws degrees from Central Missouri State University and Westminster College.

From 1975 to 1979 Judge Benton served with the U.S. Navy as a judge advocate. While in the Navy, he attended Memphis State University and earned a master's degree in business administration and accountancy. Benton became a certified public accountant in Missouri in 1983 and is the only Certified Public Accountant serving on any supreme court in America. Judge Benton is a member of the American Institute of Certified Public Accountants; and the Missouri Society of Certified Public Accountants.

Before joining the Supreme Court, Benton practiced law as a private attorney in Jefferson City for six years. He is admitted to practice before the United States Supreme Court, United States Tax Court, United States Court of Appeals for the Armed Forces and all Missouri Courts. From 1980 through 1982 Benton served as chief of staff to then-Congressman Wendell Bailey in the U.S. House of Representatives.

Judge Benton served as director of the Missouri Department of Revenue from 1989 to 1991. He also served on the Multistate Tax Commission, with tax administrators from 32 other states, who elected him chair, and as president of the Midwestern States Association of Tax Administrators.

Judge Benton, a Vietnam veteran, still participates in the U.S. Naval Reserve, holding the rank of captain. He belongs to the Veterans of



Foreign Wars, the American Legion, the Navy League, the Vietnam Veterans of America, the Military Order of the World Wars and served on the Missouri Military Advisory Commission.

From 1987 through 1989 Judge Benton was a member of the board of regents for Central Missouri State University in Warrensburg. He has also served as chair of the board of trustees for the Missouri State Employees' Retirement System, the Missouri Commission on Intergovernmental Cooperation, the Council for Drug-Free Youth and as a director of the Jefferson City United Way.

Judge Benton is an adjunct professor at both Westminster College and the University of Missouri-Columbia, School of Law.

A deacon and trustee of the First Baptist Church in Jefferson City, he is former counsel to the Missouri Baptist Convention.

Duane and his spouse, Sandra, a registered nurse, have two children: Megan and Grant.

Judge Benton was appointed to the Missouri Supreme Court on August 16, 1991, and retained at the November 1992 election. His term expires December 31, 2004. Judge Benton served as Chief Justice of the Missouri Supreme Court from July 1, 1997 through June 30, 1999.

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# Laura Denvir Stith

## Judge of the Supreme Court

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LAURA DENVIR STITH was born in St. Louis, on October 30, 1953. She was raised in St. Louis and graduated with honors from the John Burroughs School, 1971. She received a National Merit Scholarship to attend Tufts University in Boston, MA. While a student at Tufts, Judge Stith was an Iglauer Fellowship Intern in the Washington, DC office of Senator Thomas Eagleton, summer of 1973. She spent the second semester of her junior year studying at the University of Madrid through a program administered by the Institute of European Studies. In 1975, she graduated *magna cum laude* from Tufts, receiving her Bachelor of Arts in political science and social psychology. She then attended the Georgetown Univ. Law Center, distinguishing herself as an editor of the Law and Policy in International Business Journal. Judge Stith graduated *magna cum laude* from Georgetown in 1978.

Following her graduation from law school, she served one year as a judicial law clerk to the Honorable Robert E. Seiler of the Supreme Court of Missouri. In 1979, she moved to Kansas City and began practicing with the law firm of Shook, Hardy & Bacon, becoming a partner of the firm in 1984, and later co-founded the firm's appellate practice group.

In 1994, Governor Mel Carnahan appointed Judge Stith to the Missouri Court of Appeals, Western District. She was retained at the November 1996 general election for a full term. During her six and one-half years on the court of appeals, Judge Stith authored over 400 opinions in cases involving nearly every area of state law.

Throughout her legal career she has been involved in many organizations in the legal community. She served as Chair of the Gender and Justice Joint Committee of the Missouri Bar and the Missouri Supreme Court. She was a founding director of Lawyers Encouraging Academic Performance, an inter-bar lawyer's public service organization. She served as president of the board of directors of the Assn. for Women Lawyers of Greater Kansas City; chair and vice



chair of the Missouri Bar Civil Practice and Procedure Committee; chair of the Appellate Practice Committee and vice chair of the Tort Law Committee of the Kansas City Metropolitan Bar Assn.; and member of the American Bar Association.

Judge Stith served as a speaker on appellate practice at the annual conventions of the ABA, the Missouri Bar, the Missouri Assn. of Trial Attorneys, and the Missouri Organization of Defense Lawyers. She also served as a speaker or moderator on civil procedure and evidence at Missouri Bar, KCMBBA, AWL, and University of Missouri-Kansas City Continuing Legal Education programs; and on gender bias at the Missouri New Judges School.

Judge Stith is married to fellow attorney Donald G. Scott, who also served as a law clerk for the Supreme Court of Missouri before beginning practice in Kansas City. He is a partner at McDowell, Rice, Smith & Gaar, P.C. in Kansas City. They have three daughters.

Governor Bob Holden appointed Judge Stith to the Supreme Court March 7, 2001.

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# John C. Holstein

## Judge of the Supreme Court

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JOHN C. HOLSTEIN was born January 10, 1945, in Springfield. He attended Springfield public schools and graduated from Parkview High School in 1963. He attended Kansas State College and earned degrees from Southwest Missouri State University (B.A., political science); University of Missouri–Columbia (J.D.); and University of Virginia (LL.M.).

Judge Holstein was married August 26, 1967, to Mary Brummell. They have three children. He is a member of the Second Baptist Church in Springfield. He was commissioned in the U.S. Army in 1969 and served on active duty, in the Army Reserve and National Guard, attaining the rank of lieutenant colonel. A graduate of the Army's Command and General Staff College, he commanded National Guard units in West Plains and Jefferson City.

Holstein began practicing law in 1970 in West Plains and taught business law at Southwest Missouri State University, 1974–1975. While in private law practice, he served as city attorney for the City of Mountain View, 1972–1975. He also chaired the Howell County Chapter of the American Red Cross and served on its board of directors. For several years he served as chair of the Ozark Area Care and Counseling Services in West Plains. He served on the Board of Trustees of Southwest Baptist University.

As a circuit judge, he was a member of the Circuit Courts Budget Committee. Holstein also served on the Legislative Steering Committee and Judicial Records Committee while on the Court of Appeals. He chaired the Supreme Court Task Force on Abused and Neglected Children and was a member of the Missouri Bar Committee on Public Perception of the Judiciary and the Bar's Foresight Committee. He has served as chair of the Supreme Court Critical Issues Committee and



the executive council of the Judicial Conference. He also chaired the Central States Judicial Conference on Child Support Enforcement. He is an honorary member of the Order of the Coif and Phi Alpha Delta legal fraternity.

Judge Holstein was appointed probate and *ex officio* magistrate in 1975 and was elected probate judge to fill an unexpired term in 1976. He was elected associate circuit judge of Howell County, 1978, and circuit judge of the 37th Judicial Circuit, 1982, where he also served as presiding circuit judge. He was appointed to the Missouri Court of Appeals, Southern District, by Governor John Ashcroft in April 1987. He became chief judge of that court in 1988. He was appointed to the Supreme Court by Governor Ashcroft in October 1989. Judge Holstein served as Chief Justice from July 1995–June 1997. Retained at the 1990 general election, his term expires December 31, 2002.



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# William Ray Price Jr.

## Judge of the Supreme Court

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WILLIAM RAY PRICE JR. was born January 30, 1952, in Fairfield, Iowa.

He was educated at Keokuk (Iowa) public schools; University of Iowa, B.A., with *high distinction*, religion, 1974; Yale University Divinity School, 1974–1975; Washington and Lee University School of Law, J.D., *cum laude*, 1978. He is the recipient of the Hancher-Finkbine Undergraduate Award from the University of Iowa, 1974; Burks Scholar Individual Winner at Washington and Lee University School of Law, 1976.

Judge Price was married to Susan Marie Trainor on January 4, 1975. They have two children: Emily Margret Price and William Joseph Dodds Price.

Admitted to the bar in 1978, Judge Price practiced law with a Kansas City law firm from 1978–1992. He served as chair of the Business Litigation Section and was a member of the executive committee.

He was president of the Kansas City Board of Police Commissioners; member of the *G.L. v. Zumwalt* monitoring committee in the United States District Court for the Western District of Missouri; member of the board of directors of the Truman Medical Center, the Together Center and the Family Development Center; and chair of the Merit Selection Commission for United States Marshal, Western District of Missouri, 1990.

He is a member of the Christian Church (Disciples of Christ), Phi Beta Kappa, Omicron Delta



Kappa, Phi Eta Sigma and Kappa Sigma.

Judge Price served as Chief Justice of the Missouri Supreme Court from July 1, 1999 through July 1, 2001, and as vice president of the Conference of Chief Justice of the United States from August 1, 2000 through August 1, 2001.

Judge Price was appointed to the Supreme Court by Governor John Ashcroft on April 7, 1992. He was retained in 1994 for a term expiring December 31, 2006.

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# Ronnie L. White

## Judge of the Supreme Court

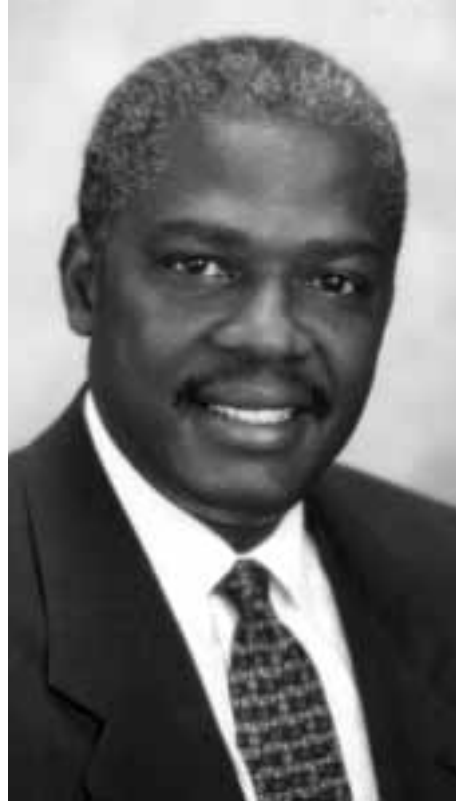
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RONNIE L. WHITE was born May 31, 1953 in St. Louis.

He attended elementary school in St. Louis and graduated from Beaumont High School in 1971. Judge White received an Associate of Arts degree from St. Louis Community College in 1977. Two years later he earned a Bachelor of Arts degree in political science from St. Louis University.

Judge White graduated from the University of Missouri–Kansas City Law School in 1983. During law school he served as a legal intern for the Jackson County prosecutor. He later worked as a legal assistant for the Department of Defense Mapping Agency. White served as a trial attorney for the public defender's office in both the City of St. Louis and St. Louis County. In 1987 Judge White entered private practice as a principal for the law firm of Cahill, White and Hemphill. While in private practice he was elected to serve three terms in the Missouri House of Representatives.

In 1993 Mayor Freeman Bosley Jr. appointed Judge White city counselor for the City of St. Louis. While serving as city counselor, Judge White argued his first case before the Missouri Supreme Court in April 1994. One month later, Governor Mel Carnahan appointed Judge White to the Missouri Court of Appeals, Eastern District. In September 1995 he served as a special judge



for the Missouri Supreme Court. During that same year he served as an adjunct faculty member for the National Institute of Trial Advocacy. He is currently serving as an adjunct faculty member teaching trial advocacy at Washington University School of Law in St. Louis.

Governor Carnahan appointed Judge White to the Missouri Supreme Court in October 1995. He was retained in the November 5, 1996 election. His term expires December 31, 2008.

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# Michael A. Wolff

## Judge of the Supreme Court

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MICHAEL A. WOLFF served on the faculty of St. Louis University School of Law for 23 years before being appointed to the Supreme Court of Missouri in August, 1998.

During his time in St. Louis, Judge Wolff was active in trial practice and was co-author of *Federal Jury Practice and Instructions*, which is used by lawyers and judges throughout the country. As a law school teacher, he taught Civil Procedure, Trial Advocacy, Health Law, Criminal Sentencing, Constitutional Law, Administrative Law, Health Law, among other courses. He was a recipient of the law school's Teaching Excellence Award. Judge Wolff was on the faculty of the University's School of Medicine and School of Public Health. He is a member of the American Law Institute.

In 1992, while on leave from the University, Judge Wolff was Transition Director for Governor-elect Mel Carnahan, served as Chief Counsel to the Governor in 1993–1994, and was special counsel to the Governor 1994–1998 after returning to the law school. As special counsel, Wolff was active in seeking solutions, including legislation that passed in 1998, for dealing with the problems of urban schools after the end of court ordered desegregation.

Wolff also served from 1983–1998 as Chairman of the Board of Trustees of the Missouri Consolidated Health Care Plan, the health insurance program for public employees. Wolff was a candidate for Attorney General in 1988 and 1992.

In addition to The Missouri Bar, Judge Wolff is a member of the Lawyers Association of St. Louis and the Bar Association of Metropolitan St. Louis. He also has served several charitable and educational organizations in various capacities.

In his early legal career, Wolff was a federal court law clerk in 1970–1971 and served in legal services programs in St. Paul, Minnesota,



and Denver, Colorado, and was director of Black Hills Legal Services in Rapid City, South Dakota, from 1973 to 1975. He joined the St. Louis University faculty in 1975.

Judge Wolff was born April 1, 1945, in La Crosse, Wisconsin, and was educated in Catholic grade schools and Lourdes High School in Rochester, Minnesota. He was graduated in 1967 from Dartmouth College, Hanover, New Hampshire, where he was editor-in-chief and chairman of the board of *The Dartmouth*, the student daily newspaper. He received his law degree with honors from the University of Minnesota law school in 1970. During law school, he worked as a reporter and copy editor for *The Minneapolis Star*. He and his wife, Patricia B. Wolff, M.D., who is a pediatrician, have been married since 1968. They have two grown sons, Andrew Barrett Wolff, born in 1974, and Benjamin Barrett Wolff, born in 1977.

## Office of State Courts Administrator

2112 Industrial Drive, Jefferson City 65110  
Telephone: (573) 751-3585 / FAX: (573) 751-5540

Acting under the direction of the Missouri Supreme Court, the Office of State Courts Administrator (OSCA) is responsible for providing administrative and technical support to the courts of Missouri as they vigorously pursue a judicial system that is accessible, equitable, and swift. The duties and responsibilities assigned to the state courts administrator are broad in scope and relate to all levels of the state court system.

Since the appointment of the first state courts administrator in 1970, the office has been responsible for providing technical assistance, management services, education and training programs, data processing and systems analysis, administrative procedure evaluation, compilation of statistics, and case processing support to the courts. The Office also assists courts in developing and implementing court improvement projects in such areas as child abuse and neglect, juvenile services, family preservation, criminal history reporting, crime victims' rights, mediation services, alcohol and drug abuse treatment and prevention, and the implementation of time standards for case disposition. Since the passage of SB 420 in 1994, the office has worked with the Missouri Court Automation Committee on a project with enormous potential for the people of Missouri. The Statewide Court Automation program is a ten-year project to automate all the courts in the state and through the use of advanced technologies provide Missouri citizens with the most timely and responsive judicial system possible. The office is organized into five divisions: Administration and Budget, Court Services, Information Technology, Juvenile and Adult Court Programs, and Judicial Department Education.

### Administration and Budget

Administration and Budget staff provides administrative services essential to office management and maintains programs developed to assist the judiciary in a variety of areas. The budget section compiles and organizes the judicial branch's annual state appropriation request. It prepares fiscal notes for proposed legislation that affects the judicial system, and provides support to the Supreme Court's Circuit and Appellate Court Budget committees.

The personnel section maintains the statewide Circuit Court Personnel System as well as the Circuit Court Personnel Handbook. It has primary responsibility for recruitment and personnel management for OSCA.

The fiscal section processes and accounts for all funds appropriated to the Supreme Court for



MICHAEL BUENGER  
State Courts Administrator



NORMA MILLER  
Assistant to Courts Administrator

judicial branch operations paid by the state. Staff also process the payroll for more than 3,500 court employees and provide monthly financial status reports to local appointing authorities. Staff handles payments to judges and court reporters for travel expenses and payments to court reporters for preparation of transcripts for indigents. The section also maintains the Payroll Handbook for the payroll designees in each county, and provides training as needed.

Finally, Administration and Budget staff also coordinate judge transfers and assignments, provide a legislative summary for court personnel, and perform office management functions for OSCA.

### Court Services

The Court Services Division acts as a service bureau for all personnel statewide. The division provides direct assistance to trial courts in a number of areas including: developing procedures related to case processing and financial management; preparing transcripts from sound recorded tapes submitted by the courts; developing and updating procedural handbooks on case processing for court clerks; providing on-site case processing reviews, examining administrative and financial procedures to make recommendations for improved efficiency; and collecting criminal history dispositions data for the criminal records repository maintained by the Missouri Highway Patrol.

The advent of Statewide Court Automation project has created a major new responsibility within the division. Court Services staff worked closely with the software provider and court staff from around the state to "customize" the software and continually monitor changing practices and legal requirements over time so that the software is revised as necessary.

Court Services staff works with the courts prior to implementing automation by assisting the courts with preparation for computerized case management and financial accounting.



DAVID COPLEN  
Director of Administration  
and Budget



NANCY GRIGGS  
Director of Court Services



GARY WAIT  
Director of Juvenile and Adult  
Court Programs



MICHAEL J. ROGGERO  
Director of Information  
Technology

OSCA staff provides on-site assistance several weeks after the court implements the automated system. After the court is automated, both financial specialists and court specialists provide help desk support and follow-up site visits.

In 2000, a statewide jury management automated system was purchased. Court Services coordinates the court training, assists the courts with forms design and procedural changes and provides telephone and on-site support to the courts.

The Statistics Section is responsible for compiling statistical and workload information that is used in all aspects of office planning and analysis and is compiled in numerous reports, including the annual Missouri Judicial Report and Case Processing Time Standards Reports. The section also calculates the clerical weighted workload for the Circuit Court Personnel System.

Recent additions to the services are: providing technical assistance in courthouse design related to security and Americans with Disabilities Act Access; certifying Spanish speaking interpreters for the courts; assisting in disaster preparedness; and locating and providing services for non-English speaking parties and those parties and customers covered by the Americans with Disabilities Act.

## Information Technology

The Information Technology (OSCA-IT) division provides data processing along with information technology management support and direction for the courts. OSCA-IT also provides application, technical, and operational support to the Court Services division of OSCA. The division works closely with its internal and external customers to establish priorities and provides appropriate systems to minimize manual efforts and support decision making. OSCA-IT collects and analyzes caseload data from the courts, develops case management systems for use on local and wide area networks, develops and operates appellate record keeping and circuit



LINDA EVANS  
Director of Judicial  
Development Educations

court statistical systems and develops and operates administrative systems for the courts.

The division develops, implements, operates and maintains a variety of the courts data processing systems and databases. The division coordinates data processing policies and provides end user computing support. The division is also responsible for technical analysis, design, development and implementation of systems; provides quality assurance, program maintenance and technical support for a variety of operational systems.

In 1985 the Supreme Court's Administrative Rule 1 authorized the development of a Statewide Judicial Information System to provide statistical and management information to the state's courts. From this beginning, Information Technology has grown until it now provides automated systems support to all levels of the state court system, as well as to OSCA. This role expanded greatly in 1994, with the enactment of *Missouri Revised Statutes* section 476.055, establishing a statewide court automation project to be funded with a \$7 per-case court fee and overseen by a Missouri Court Automation Committee. OSCA-IT has been actively involved with the Court Automation Committee in this enor-

mous and exciting project, whose funding was authorized for a period of 10 years.

The Missouri Court Automation Program, generally referred to as Statewide Court Automation, includes the following objectives:

- a sophisticated and integrated justice system with great potential for improvement in the provision of services;
- an integrated court system that renders geography largely irrelevant and presents a modern justice system with reduced costs to the litigant and taxpayer, with greater efficiency, wider access and enhanced accountability;
- a system that takes advantage of new technologies to improve the day-to-day operations of the courts;
- timeliness in processing of cases without sacrificing the quality of justice;
- economies of scale and efficiencies within the judiciary by utilizing similar facilities statewide based on standards for hardware, software and common data definitions;
- facility selections which will be viable solutions for long-term implementation and low lifecycle cost; and
- compatibility, or ability to interface electronically with other state and local systems and networks.

Building on the foundation of the 1985-established Statewide Judicial Information System, staff have developed the Associate Case Management System, the Missouri Court Information System-Criminal Module, the Judgment Index and Jury Selection Systems, the Appellate Court Information System, the Missouri Financial Accounting and Personnel System, an Inventory Tracking System, the Attorney Identification and Billing System, and most recently has been implementing Banner Courts, a commercial court case management system. All of these systems require active management and hands-on work with the courts and related personnel.

As a result of the uniformity of application being developed under Statewide Court Automation, OSCA-IT has developed Internet-based applications to permit the online access to public court case information in those locations in which Banner has been installed. OSCA-IT has also developed a prototype web-based adult abuse filing system that permits the filing for *ex parte* orders of protection to be completed and received without leaving the protection of a shelter facility.

Information Technology also provides additional administrative support for OSCA in the areas of judicial transfer, fiscal notes and inventory control. The staff develops special reports to assist in workload analysis, judicial research and special legislative requests. For the past several

years, Information Technology has been involved with MACSS with circuit clerks, prosecuting attorneys and the Division of Child Support Enforcement.

## Juvenile and Adult Court Programs

In 1997, the 89th General Assembly approved the creation of the Division of Juvenile and Adult Court Programs within OSCA. It is within this division that administrative efforts are launched to comply with statutory mandates that apply to juvenile and adult court services.

Early division efforts centered on providing continued education and training standards for juvenile court personnel, developing and standardized assessment and classification system that recommends graduated sanctions and services aimed at reducing juvenile offender recidivism, and evaluating the effects of tighter protective custody timelines in child abuse and neglect cases.

Division projects now include expanding communication networks, better assessment of juvenile offenders, and better evaluation of offender data through automated systems. Communication is being enhanced with better hardware, software, specialized juvenile offender databases, and establishment of cooperative information-sharing agreements with other youth service agencies. Conversion of the hand-scored standardized offender assessment and classification system to a software program will allow for easier collection, storage, and evaluation of juvenile offender data. A single source for juvenile related information will be available and incorporated into the larger court automation software system being established for the state.

In addition, the division is also working to establish alternative treatment programs, and work on child abuse and neglect cases, foster care and adoption, parent education programs and mediation to improve court services to the public. The success of adult drug courts as an alternative treatment to substance abuse problems has led to the development of juvenile and family drug courts. Under early development are other specialized courts such as mental health courts and a Unified Family Court. Federally funded pilot projects to establish permanency planning for abused and neglected children placed in foster care are in progress as well.

The Juvenile and Adult Court Programs Division, in conjunction with the juvenile and family courts, is committed to building the foundation for a new standard of justice in Missouri. The impact of strong court programs and advanced technology will be far-reaching for the citizens of Missouri.

## Judicial Department Education

The Division of Judicial Department Education is responsible for coordinating education services for almost 4,000 state court personnel. These services are designed to ensure the courts have access to a highly skilled, professional workforce that is technologically literate, conversant with practices that aid in the internal management of the courts, oriented towards a high level of customer service, and forward thinking in improving that level of service in a rapidly changing environment.

The Coordinating Commission for Judicial Department Education provides strategic direction for comprehensive statewide education programs. Commission members are appointed by the Supreme Court and represent various levels of courts and regions of the state to ensure that the educational needs of all court personnel are fairly represented. The Commission values the development of all Missouri court personnel and has built a comprehensive education program that affords opportunities to acquire and enhance technical knowledge and skills, and supervisory and leadership skills and abilities. The Commission relies on six education committees (Appellate Court Education Committee, Trial Judge Education Committee, Juvenile Division Education Committee, Municipal Division Education Committee, Court Clerk Education Committee, and the Court Reporter Education Committee) for program development. Each committee develops and implements a skill-based core curriculum within its assigned subject area designed to improve the knowledge base and skills of Judicial Department personnel. Each committee is charged by the Coordinating Commission with establishing uniform, coordinated programs that emphasize access to the courts and delivery of court services to the public.

The Division is responsible for implementing the policies and programs established by the Coordinating Commission and its six education committees. The Education Division consists of three service delivery areas: Continuing Education, Automation Training, and Education Technology. The Continuing Education Section offers a broad range of education courses and certificate programs for court personnel. Education specialists, working in cooperation with commit-

tee members and court personnel design and coordinate the delivery of courses tailored to meet the unique needs of appellate, trial and municipal court personnel, including judges, clerks, juvenile officers, and court reporters. All courses are designed to provide court personnel with the knowledge and skills essential to discharging their judicial and administrative responsibilities.

Other educational resources, in addition to live classes conducted at sites throughout the state and via videoconferencing, satellite, or the Internet, include a Judicial Lending Library, certificated management and leadership programs, a scholarship program and a tuition reimbursement program.

The Automation Training Section, working in conjunction with the Missouri Court Automation program, designs, coordinates and delivers a comprehensive court automation-training program. This program provides court personnel the skills necessary to effectively use the computer infrastructure and electronic case management systems that are the cornerstone of Missouri court automation. Automation training classes are offered in five regions of the state: Cape Girardeau, Jefferson City, Liberty, St. Charles and Springfield.

The Education Technology Section is responsible for developing, implementing and evaluation alternative delivery methods of educational programming through the use of technology. Education Technology supports the work of the Automation Training Section and the Continuing Education Section through education services including web-based learning, computer-based learning, videoconferencing, and satellite broadcasts.

The work of the Automation Training Section, Continuing Education Section and Education Technology Section provides the multiple avenues for court employees to access continuous professional development opportunities in a blended environment, maximizing effectiveness and convenience, while at the same time minimizing time away from work, and reducing training expenses.

***Personnel, Office of State Courts Administrator:  
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## Judges of the Supreme Court of Missouri—1820–2001

<b>Name</b>	<b>County</b>	<b>Term</b>
Mathias McGirk	St. Louis	1820–1841
John Dillard Cook	Ste. Genevieve	1820–1823
John Rice Jones	Washington	1820–1824
Rufus Pettibone	St. Louis	1823–1825
George Tompkins	Howard	1824–1845
Robert Wash	St. Louis	1825–1837
John Cummins Edwards	Cole	1837
Wm. Barclay Napton	Saline	1839–1857
Wm. Scott	Howard	1841–1843
Priestly Haggin McBride	Monroe	1845
John Ferguson Ryland	Lafayette	1849–1857
James Harvey Birch	Clinton	1849–1851
William Scott	Cole	1851–1857
Hamilton Rowan Gamble	St. Louis	1851–1855
Abiel Leonard	Howard	1855
John Crowley Richardson	St. Louis	1857–1859
Barton Bates	St. Charles	1862–1865
William Van Ness Bay	St. Louis	1862–1865
John Debos Sharp Dryden	Marion	1862–1865
David Wagner	Lewis	1865–1876
Walter L. Lovelace	Montgomery	1865–1866
Nathaniel Holmes	St. Louis	1865–1868
Thomas James Clark Fagg	Pike	1866–1869
James Baker	Greene	1868
Philemon Bliss	Buchanan	1868–1872
Warren Currier	St. Louis	1868–1871
Washington Adams	Cooper	1871–1874
Henry M. Vories	Buchanan	1872–1876
Ephraim Brevard Ewing	St. Louis	1872–1873
Thomas Adiel Sherwood	Greene	1872–1902
Wm. Barclay Napton	Saline	1873–1880
Edward Augustus Lewis	St. Louis	1874
Warwick Hough	Jackson	1874–1884
Elijah Hise Norton	Platte	1876–1888
John Ward Henry	Macon	1876–1886
Robert D. Ray	Carroll	1880–1890
Francis Marion Black	Jackson	1884–1894
Theodore Brace	Monroe	1886–1906
Shephard Barclay	St. Louis City	1888–1898
James Britton Gantt	Henry	1891–1911
John Lilburn Thomas	Jefferson	1890–1893
George Bennett MacFarlane	Audrain	1890–1898
Gavon Drummond Burgess	Linn	1892–1910
Waltour Moore Robinson	Jasper	1894–1905
William Muir Williams	Cooper	1898
William Champe Marshall	St. Louis City	1898–1906
Leroy B. Valliant, vice MacFarlane	St. Louis City	1898–1913
James David Fox	Madison	1902–1910
Henry Lamm	Pettis	1905–1914
Waller Washington Graves	Bates	1906–1929
Archelaus Marius Woodson	Buchanan	1906–1925
John Kennish	Jackson	1910–1913
John Chilton Brown	Madison	1910–1915
Franklin Ferriss	St. Louis City	1910–1912
Henry Whitelaw Bond	St. Louis City	1912–1918
Charles Breckenridge Faris	Pemiscot	1912–1918
Robert Franklin Walker	St. Louis	1912–1930
James Thomas Blair	DeKalb	1914–1924
Chas. G. Revelle	St. Francois	1915–1916
Fred Lincoln Williams	Jasper	1916–1920
Richard Livingston Goode	St. Louis	1919–1921
John Isaac Williamson	Jackson	1919–1920



<b>Name</b>	<b>County</b>	<b>Term</b>
Conway Elder	St. Louis	1920–1922
Edward Higbee	Adair	1920–1922
David Elmore Blair	Jasper	1920–1930
William Talliaferro Ragland	Monroe	1922–1932
John Turner White	Greene	1922–1932
Frank Ely Atwood	Carroll	1925–1935
Robert William Otto	Franklin	1925–1926
Ernest S. Gantt	Audrain	1926–1947
North Todd Gentry	Boone	1928–1929
William Francis Frank	Adair	1928–1938
Berryman Henwood	Marion	1930–1932
George Robb Ellison	Nodaway	1930–1955
Charles Thomas Hays	Marion	1933–1943
Ernest Moss Tipton	Jackson	1932–1955
Clarence Alexander Burney	Jackson	1932
C.A. Leedy Jr.	Jackson	1934–1964
Walter D. Coles	St. Louis	1935
John Caskie Collet	Chariton	1935–1937
James Marsh Douglas	St. Louis City	1937–1949
Ray B. Lucas	Scott	1938
Albert M. Clark	Ray	1938–1950
Laurance M. Hyde	Mercer	1942–1966
Roscoe P. Conkling	Buchanan	1947–1954
S.P. Dalton	Cape Girardeau	1950–1965
Frank Hollingsworth	Audrain	1950–1964
Henry J. Westhues	Howard	1954–1963
Henry I. Eager	Jackson	1955–1969
Clem F. Storckman	St. Louis City	1955–1970
Lawrence Holman	Randolph	1963–1977
Fred L. Henley	Pemiscot	1964–1978
James A. Finch Jr.	Cape Girardeau	1964–1978
Robert True Donnelly	Laclede	1965–1988
Robert Eldridge Seiler	Jasper	1966–1982
J.P. Morgan	Lincoln	1969–1982
John E. Bardgett	St. Louis County	1970–1982
Albert L. Rendlen	Marion	1977–1992
Joseph J. Simeone	St. Louis	1978–1979
Warren Dee Welliver	Boone	1979–1989
Andrew Jackson Higgins	Platte	1979–1991
George F. Gunn Jr.	St. Louis	1982–1985
William Howard Billings	Dunklin	1982–1991
Charles Blakey Blackmar	St. Louis	1982–1992
Edward D. Robertson Jr.	Cole	1985–1998
Ann K. Covington	Boone	1989–2001
John C. Holstein	Howell	1989–present
Duane Benton	Cole	1991–present
Elwood L. Thomas	Clay	1991–1995
William Ray Price Jr.	Jackson	1992–present
Stephen N. Limbaugh Jr.	Cape Girardeau	1992–present
Ronnie L. White	St. Louis	1995–present
Michael A. Wolff	St. Louis	1998–present
Laura Denvir Stith	Kansas City	2001–present