

State of the Judiciary
Chief Justice Mary R. Russell, Missouri Supreme Court
Message to the Missouri Legislature
January 23, 2014, in Jefferson City, Missouri

Lieutenant Governor Kinder, Speaker Jones, President Pro Tem Dempsey, members of the General Assembly, the executive branch, my judicial colleagues and everyone gathered in this beautiful chamber: I am honored to have this opportunity to speak to you today.

I am especially pleased to be here, because the capitol building holds personal significance for me. It was here where I learned, first-hand, how the three branches of government work.

I made my first visit as a high-school senior with Mr. Frank Brown's government class from Hannibal High School. Later, as a junior at Truman State University, I interned in the House, observing how laws were made. By the way, Rep. Chris Kelly was in the House back then too! I also worked part-time in the Senate president pro tem's office while working my way through law school at Mizzou.

I have had the good fortune to serve in the executive branch of government as well. I was appointed by Governors Ashcroft and Carnahan to several boards and commissions that helped carry out the laws adopted by the legislature.

And now I am in my 18th year serving in the judiciary, where we resolve disputes by interpreting what laws and constitutional provisions mean, when applied to a variety of situations – some foreseen, some not.

These collective experiences in all three branches of our government continue to convince me that all of us are truly “constitutional partners” – all equally sworn to uphold the constitutions of our state and nation – all equally entrusted by our fellow Missourians to make this state better for them, and their children, and their children to come.

Perhaps you are like me, having to pinch yourself that you have the privilege to work in the state capital. For me, it is the honor of working in the red brick building across the street. For you, it may be seeing the majestic dome of the capitol rising in the distance as you drive into town and knowing you have an office there. Our time to do good here is limited, and it will pass all too quickly. We must make the most of this unique opportunity. For we are all but temporary guardians of our system of government, and we must work together to ensure its legacy continues.

But there is another reason I am honored to be here *today*. This speech marks the 40th anniversary of the first state of the judiciary address in Missouri history, delivered by then-Chief Justice Robert T. Donnelly. In that speech to the General Assembly in 1974, he talked about the “exciting opportunities available” for “modernization of our

operations.” He predicted that the impact of technology on government would “be profound.”

What a visionary Chief Justice Donnelly was. His statements about “the impact of ... technology” on the courts were made more than 40 years ago, long before desktop computers, e-mail and videoconferencing ... and maybe before some of you were even born.

Today, we in the courts continue to meet the challenge of being innovative in the services we provide, to maintaining prudent stewardship of public funds and to working in cooperation with all our “constitutional partners.”

On behalf of the 407 state judges and commissioners and the more than 4,000 court clerks and staff working diligently in each one of your local courthouses back home, I am proud to say that the state of Missouri’s judiciary is strong. We have been working smarter by implementing innovative ideas. We are resolving as many cases as are filed each year in state court. And our judges and staff are working hard every day to make Missouri’s courts better for everyone. They deserve our thanks.

Missouri courts continue to be innovative in providing services

As Chief Justice Donnelly predicted, incorporating new technologies has been an ongoing process for the courts. We spent more than a decade deploying our case management system statewide. It was complete by 2008, and it empowers you and the public to use Case.net to search for information about cases filed anywhere in the state. About two years ago, we began changing from paper filings to electronic filings. Today, the Missouri eFiling System is being used in every appellate court and 28 trial courts, with another 30 courts ready to come online later this year. We are rolling this system out as fast as our resources permit.

I am very proud of these achievements in increasing public access to the courts. They are examples of the kind of innovation in service that the public has come to expect from both the private sector and government. Like Case.net, our eFiling System is unique to Missouri. Thanks to an enhancement to Case.net that we implemented last fall, now you or any of your constituents can come into any courthouse and use a designated computer terminal to read the contents of any public document in the Missouri eFiling System. These range from pleadings and briefs to orders and judgments – no matter where in the state they were filed.

Building digital infrastructure into our court services helps all of government. For instance, our court technology allows the judiciary and various state agencies and county officials to share more information. This cooperation and coordination ensures that offenders can be apprehended more quickly, that people who are granted orders of protection can be kept safer, and that more child support payments and court fines can be collected. The bottom line is that sharing this vital court information helps to make all of government more efficient and more effective.

But we are not stopping there in expanding our services. After all, technology changes every day. And the public expects almost instant access to everything. So we are exploring ways to use technology to be more innovative in the services we provide to all Missourians. For example, we are determining how electronic tools can help jurors stay informed about when their services will be needed. We also are devising a way people can pay their fines online. A new and improved website about Your Missouri Courts is on the horizon as well.

It is also incumbent on the judiciary to help people understand the function that judges and the courts are assigned. Courts exist to protect people's rights and to give them a safe, civil environment in which to resolve their most pressing disputes. As judges, we are required to decide cases based solely on the facts and law, not on our personal beliefs or popular opinion. Like you, we take our oaths very seriously. We cannot promise any particular outcome in any case, but we do promise to support and defend our constitutions and to treat everyone with fairness, dignity and respect.

In our system of democracy, it is our duty to protect the rights and property of all Missourians and to be guardians of the constitution through which the people govern us all. But no matter how much compassion we might have for the people involved in legal disputes, judges simply are not in the "happiness business." For every decision we make, someone is unhappy, and sometimes everyone – including the judge – is unhappy.

In the past, judges have done their jobs well by staying in the courthouse. But more and more, we have found that people can better understand how the judiciary works by engaging with them in their communities.

One of my favorite parts of being a judge is the chance to accept as many invitations as my schedule will permit to speak with Missourians from all walks of life about how their courts work, taking the mystery out of the process. I have been in towns from Rockport to Kahoka to Caruthersville to Pineville, from Lebanon to Paris ... and Halfway in between ... and the same holds true for my "namesakes," *Maryville* and *Russellville*. But no matter where I go, I find that all Missourians share certain common expectations – to be treated equally and fairly, and to have justice administered the same no matter where they live.

This past fall, I was happy to accept Senator Doug Libla's invitation to travel to his district to visit some of the wonderful programs helping his constituents in the Bootheel. In fact, along with some of the program leaders, five of the young high school students I met in Caruthersville are here today – Amaid Bates, Tavauna Cobb, Nicole Davis, Shannon Gipson and Angela Wilhoit. Would you please join me in welcoming them to their state capitol? I hope that your first trip to the capitol will inspire you – as it did me when I was your age – to find a place in government service.

I am sure none of us, when we were in high school, imagined we would wind up here. But none of us should forget what led us to serve in the first place. That is why I never want to lose perspective of what it is like for the people who come to our courthouses,

maybe for the first time, and who perhaps are overwhelmed by an unfamiliar legal process. Every case that comes before our courts is the most important one in the world to the people involved ... people who are worried about the potential impact on their lives, their families and their pocketbooks.

This is why we are implementing a program of customer surveys focusing on the people who use our courts – litigants, witnesses, jurors, lawyers, social workers and others – as one way to determine how we can do our jobs better and make the process more transparent.

Instead of a “suggestion box,” I wanted to go talk to people directly. So this past summer, I became an “undercover judge” by visiting two courthouses – in Osage and St. Louis counties. I talked with everyone there using the courts. Dressed in casual clothes and tennis shoes, I don’t think anyone knew who I was. I sat shoulder to shoulder with people in the courthouse hallways. I could feel their anxiety, their worry and their apprehension as they waited their turn to appear before the judge. For most, it was their first time in any courtroom, and they did not know what to expect. Many did not have lawyers to help them navigate the unfamiliar turf.

It is important for us to remember that the courts can be a confusing, daunting place for many who come there. But by listening to those we serve, we can make the court process a little more understandable and a little less scary for the average person.

As I told those courthouse visitors last summer – and as I will tell those in the counties I plan to visit later in the year – this is a focal point for me. It is not just one of those surveys where nothing happens. We already are using the information we are learning to see not only what we are doing well but also how we can improve as we chart our course for the future.

Missouri courts continue to work in cooperation with their “constitutional partners”

In 1974, Chief Justice Donnelly focused part of his remarks on criminal justice issues. He discussed a proposed revision of the criminal code, which he said at that time had “not been totally reviewed in [more than] a century.”

I remember that undertaking, although I had not yet even entered law school. It was about 1979, and I was a young cub reporter for the Hannibal Courier-Post, assigned to write about the new criminal code that was taking effect. I hate to date myself, but another 35 years have passed, and I am glad you are considering another update so that our criminal justice system may better serve the state.

Last year, there were 232 offenses that were charged only one time anywhere in the state and 130 other offenses that were charged only twice. I think we can all agree that some sensible efforts at streamlining our criminal code are warranted. Our current criminal code has some discrepancies calling into question the concept of “if you do the crime, you’ll do the time.” For instance, if a person drives a vehicle while intoxicated and kills

someone, that person may be punished by up to seven years in state prison. But that is the same punishment for a person who writes a bad check for less than \$500. Is that being smart on crime?

It is your prerogative to determine where the problems truly lie and what solutions are most appropriate. We appreciate your careful study – in which you have sought information from prosecutors, public defenders and other lawyers – of updating our criminal code, and we in the courts remain committed to help answer any questions you may have from our perspective. We know how difficult this issue is, and we know it may be hard to reach agreement. But we trust that all of your hard work will produce an improved criminal code that will be beneficial for our entire state.

Much has changed since Chief Justice Donnelly's days on the Court. Today, our state and municipal courts handle more than 2.5 million cases each year. Much also has changed in the types of evidence we consider. It is not uncommon today to have evidence of DNA and Facebook entries, not to mention tweets and texts and selfies. And so the need for continuing judicial education is critical, and we are proud of the programs we have in place to keep our judges up to date about new laws and new procedures.

Missouri courts continue to be prudent stewards of public funds

But one thing that has not changed is our continued commitment to being prudent stewards of public funds. One example is a new effort underway to better manage adults awaiting trial for criminal charges, which can be a big relief for counties that are financially strapped because of jail overcrowding.

These innovative pretrial services programs are proving their worth. They keep potentially dangerous offenders off the street before trial but allow those who pose no known threat to be monitored outside of jail while awaiting their court appearance. These programs result in significant savings for counties and their taxpayers by reducing jail overcrowding.

Greene County has seen dramatic savings. In the last two years alone, its program resulted in a net savings of almost \$4 million – even with the cost of the staff running the program included.

With results like these, it should not surprise you that similar programs exist in Cole, Boone and Jackson counties as well and that several other counties are considering adding the program. I encourage you to partner with your local officials to determine whether a program like this might help your county save money. In Greene County, local judges worked with their county commission to establish the pretrial services program there. Those judges – Don Burrell, Mark Powell and Miles Sweeney – are here today along with one of their county commissioners, Roseann Bentley. Would you all please stand and be recognized?

Another illustration of how the courts are working with our partners throughout government to be prudent stewards of the public's resources is the increased use of videoconferencing. This technology, which replaces in-person hearings, results in reduced transportation costs for counties and the department of corrections alike. It also decreases the risk to law enforcement officers while increasing public safety. In addition, videoconferencing is useful in mental health cases, preserving the dignity of the person involved. As we develop more uses for this technology, these savings will continue to grow.

We have partnered with you to create several programs that improve our financial stewardship and aid the entire state. Income tax offsets, debt collection efforts and allowing litigants to pay court debts over time have resulted in almost \$26 million in revenue to the state that otherwise would have gone uncollected. And this money goes not to the courts, but to the state and local entities you designate.

Through efforts like these, we in the courts are doing what we can – as one co-equal branch of government – to be efficient with the public's funding. We look forward to continuing to work with you and with all our government partners in the future to provide even more responsible stewardship.

We respect the work you do and the many tough decisions you face as you write the laws for our state. We also appreciate the sacrifices that you and your loved ones make so that you can serve in these majestic chambers. Family support is essential for any of us to do our jobs. Like you, I have enjoyed the support of a wonderful family along the way, and they have made even the toughest days of my career more meaningful. I'd like to acknowledge one of them now. Would you please welcome my husband, Jim, a former member of this House?

In honor of this 40th anniversary of the first state of the judiciary, I end with some of Chief Justice Donnelly's closing remarks: "We seek, as you do, to be a strong, contributing partner to our Missouri state government ... to serve our citizens in a responsive and responsible manner. ... [W]e can do it together."

As your constitutional partners, we look forward to working with you to make Missouri's courts better for everyone. Thank you.