

State of the Judiciary
Chief Justice Mary R. Russell, Missouri Supreme Court
Message to the Legislature
February 7, 2024

Introduction – expressing gratitude

Lieutenant Governor Kehoe, Speaker Plocher, President Pro Tem Rowden, Auditor Fitzpatrick, members of the General Assembly, my colleagues in the judiciary, and guests: I am grateful to be here this morning to present to you this 50th state of the judiciary.

I last spoke to this body a decade ago, but I'm no stranger to the legislature. I worked for my local legislators in both chambers during college and law school, and over the years, I have made many legislative friends. Having those friendships – past, present and future – fills me with gratitude.

My late husband represented northwest Missouri here in the House – he sat right there! Although Jim is only with us in spirit now, other members of my family are here this morning – please welcome them as they stand!

We have three of our adorable grandchildren here – Avery, age 11; Evan, age 7; and Isabelle, who just turned 4. Claire, who is almost 2, is missing today – she couldn't get paroled from daycare. The grandkids even brought their parents, Heather and Allen, and Laura and Tom.

I am thrilled to have you all here today, and I love you and appreciate all your support for my public service habit!

My family consciously practices gratitude. We try to teach our youngest to have an “attitude of gratitude.” At Sunday dinners at my house, we go around the table and we say what we are grateful for. Rules are simple: don't repeat anything, and don't eat until everyone has spoken.

Whether at home or at work, we all have many reasons to express gratitude.

Gratitude for those in the judiciary

To start, I have deep gratitude for my second family, within the judiciary. For more than two decades, I have worked with many fabulous judges – including my “housemates” across the street.

It's worth noting again what the governor mentioned two weeks ago: For the first time in the history of our great state, we have a majority of female judges on our Court! Missouri's high court is now one of only 15 in the nation with a female majority.

This is something I simply never imagined happening. I truly hope this historic achievement inspires Missouri's children – no matter their background – to believe that they, too, can become a state Supreme Court judge if they want.

Our newest colleagues, elevated last fall from the court of appeals, are Judge Kelly Broniec, of Montgomery City, and Judge Ginger Gooch, of Springfield – who, by the way, is the first Supreme Court judge from southwest Missouri in more than two decades!

We are *all* grateful for Governor Parson's appointments under the Missouri Plan and for his recognition that, sometimes, the best man for the job is actually a woman!

Although I currently serve as the “face” of the judiciary, the hard work is performed in *your* local courthouses, by nearly 3,600 clerks, bailiffs, court reporters, jury supervisors, juvenile office staff and others, plus more than 400 judges and commissioners. All of us should have immense gratitude for these frontline heroes and their daily work behind the scenes for your constituents.

Thanks to *them*, we are problem solvers as we decide hundreds of thousands of legal disputes each year. Because of *their* hard work, I am proud to say the state of Missouri's judiciary is strong.

During my two-year term as chief justice, I am personally visiting all 46 judicial circuits to witness the important work our trial courts do; I have been to 14 so far! My goal on this “gratitude tour” is to meet local court staff, shake their hands and express how much we appreciate them. I also listen carefully to their ideas about how we could help them better serve their local communities.

I have been inviting you to tour your local courthouses with me. I am grateful so many of you have joined me to meet your local frontline heroes and learn more about their work. I look forward to seeing more of you on one of my next 32 visits.

Gratitude for legislative support

I also enjoy opportunities like this, when we come together from separate branches of government and work as constitutional partners to improve the administration of justice for all Missourians.

Judicial privacy act

Judges and prosecutors across Missouri – and their families – are grateful for your action last session to pass the judicial privacy act and protect us from violence and threats of violence as we do our jobs.

Expungement assistance

You are aware of the challenges presented by the passage of Amendment 3. Your constituents, working in circuit clerk offices statewide, are grateful for the financial assistance you have provided to help them do the highly detailed expungement work the constitution now requires.

We are making significant strides. As of this week, our courts have reviewed more than 245,000 cases, of which they have expunged nearly 109,000. Plus, they've done all this while still processing all your constituents' other cases. A number of circuit clerks who were meeting in Jefferson City today are with us now. Please join me in giving all these dedicated court staff – and all those working in your local courthouses – an incredibly well-deserved round of applause!

Court technology

We also want to express our gratitude for your ongoing support of our statewide court automation system. We believe Missouri was the first state to have such a system. It now includes all of our municipal courts too – a major milestone that we've just completed!

Technology allows us to continue delivering the customer service your constituents expect and deserve. Our most popular service, Case.net, provides web-based access to more than 27 million public case records ... and counting. And now, people can see public case documents filed on or after July 1 remotely, from the convenience of a smart phone or home computer. Since remote public access started, the average number of hits on Case.net has reached nearly 5.2 million per day, with an average of nearly 7,000 people a month signing up to track cases through Case.net.

Gratitude for legislative support

We are also grateful for your consideration this session of bills to increase juror compensation – a need I have heard expressed consistently in my local courthouse visits.

The right to a jury of your peers has always been a part of our nation's fundamental values. But many of our courts struggle to have enough jurors. To comply with jury service, our citizens must take time off work and make other arrangements to care for their families. In turn, they may receive only the statutory minimum of just \$6 per day and 7 cents per mile for traveling from their homes to the courthouse and back. These amounts have not been updated since at least 1989. Judges are embarrassed to tell jurors these rates, and one clerk described the amounts as an insult to those who show up for jury service.

We are grateful for your consideration of how best to compensate your local citizens for performing this important constitutional duty.

Treatment court programs

We are also grateful for your ongoing support of treatment courts. After three decades, we have thousands of successful treatment court graduates who are testaments to how well these programs work. If you haven't already, please attend a local treatment court graduation. But

bring a tissue, as every ceremony abounds with inspiring stories of lives restored and families healed. Here is one example:

Loretta Huff came from a broken home. Just as Johnny Lee once sang, she went lookin' for love in all the wrong places. She ended up incarcerated five times for a variety of convictions. She was in a dark place, believing there was no room in society for someone with her criminal history. But then she was accepted into Boone County's treatment court. She credits this with saving her life. Upon graduation, she began helping others. She now works as a counselor and helps lead a support group for treatment court alumni in Callaway County. She has gratitude for her treatment court experience and is proud of her new pattern of making good choices. Loretta is here – let's give her our gratitude for her success and for paying it forward!

We are grateful you are considering adding mental health courts to the list of approved treatment courts, expanding our ability to serve even more people.

Impact of mental health issues on our courts

Speaking of mental health, these issues – either alone or in tandem with substance abuse – increasingly impact our courts on a daily basis in all types of cases. These problems compound in our communities, taking a toll on our law enforcement officers, our jails, our hospitals and our nursing homes as everyone struggles for solutions.

Our jails have become the largest mental health facilities in our counties. But that is not how jails are designed, nor how their staff are trained. Jails should be used in the short term to detain people accused of crimes or found guilty of minor crimes. Concrete cell blocks are not conducive for treating mental health or addiction issues.

Individuals with mental health issues pose a danger to themselves and others in jail. One judge in outstate Missouri recently told me, despite the court ordering a much-needed mental health competency evaluation, the inmate had to wait eight months – creating difficult, if not impossible, conditions for deputies trying to keep control in the jail.

Unfortunately, I hear similar stories all over our state. The longer inmates with mental health problems remain detained – without treatment or without being *tried* for a crime, let alone *convicted* – the worse they get.

So, what do we do about it? We work together. Growing up on a farm, I learned that silos are great for holding grain. But government *cannot* operate in silos. We *cannot* afford to say “not our problem” and kick the proverbial can down the road. Because these are not cans – they are our loved ones, our neighbors, all the people who make up our local communities.

Instead, we must work together – across all branches of government, at the state and local levels, and with the nonprofit and private sectors. Only by sharing our best ideas and pooling our limited resources can we make a positive difference.

All areas of the state are in dire need of mental health services for defendants. Together, we *can* build networks to help keep those in need of mental health services out of our courts and jails so they can live safely and successfully in all our local communities. Simply put: *justice cannot be by geography*.

Pretrial services programs

We owe our gratitude to court and community leaders paving the way with new programs to help defendants with mental health issues. To address mental health and other needs at the earliest opportunity, pretrial services programs are proving efficient and effective. Like treatment courts, these programs are community-driven, with judges, prosecutors, public defenders, law enforcement officers and mental health professionals all collaborating to get offenders the help they need.

Consider Montgomery County – one of only five pilot sites in the nation, selected to improve pretrial diversion for defendants with mental health needs. I had a chance to visit with its pretrial services staff a few months ago. Although in its early stages, the program shows great promise. It has also been received well by victims, who are pleased to learn there are local options for those who *don't* need incarceration, but *do* need help with mental health issues.

Other defendants who qualify for pretrial release need different types of structure and support. Resources for these defendants can also include basic assistance such as locating a place to live, getting a GED, finding a job, applying for a driver's license and even transportation.

This support helped one Montgomery County man turn his life around since last summer. At the time of his arrest, with a barely livable home, he had no regular mental health assistance, abused alcohol and was surrounded by criminal activity. Then he was released into the prosecutor's mental health diversion program. Now, six months later, he is sober, receives regular mental health treatment, has severed his relationships with criminal associates, and lives in a structurally safe home. He credits pretrial services with kick-starting him onto a pathway to success.

We know the success of these programs can be far-reaching. Consider Sheila Santillan, one of Jasper County's earliest pretrial services program successes. She spent her teens bouncing around foster homes. As a young adult, she became entangled with drugs, got clean, but then had trouble finding stable housing. She took care of her father as he battled cancer, but after he died, she slipped again and was arrested for felony drug possession. Thanks to the pretrial services she received, Sheila was able to keep her job at a local restaurant, checking in with her pretrial release officer twice a week. Ultimately, she pleaded guilty, received a suspended execution of sentence and performed community service.

In the six years since, she has not returned to our criminal justice system and is happy to have moved on with her life. Sheila, I know you are watching online; please hear our applause showing how proud we are of your accomplishments!

It is our courts – through your local judges and court staff – who are keeping people like Sheila out of needless incarceration, instead making sure they receive life-changing treatment. We owe

our heartfelt gratitude to these court heroes for protecting our communities and helping defendants like Sheila and so many others live up to their potential.

Members of our Jasper and Montgomery county pretrial services teams are here today; please join me in showing them our gratitude for the investment they are making in the lives of our fellow Missourians!

But unfortunately, not every county has a pretrial services team. Regardless of geography, defendants everywhere deserve the same opportunities. We are grateful for your consideration of our request to establish a statewide pretrial services program.

Juvenile detention

There is one final area in which we really need your partnership. Unfortunately, many juveniles suffer from mental health issues, too. During my visits to your districts, I have heard a lot about the need for increased mental health and security services in our juvenile detention facilities.

These facilities are housing more, and older, youth. There is a lack of available beds for juvenile offenders who need to be detained, especially outstate. Older, more streetwise youth are now being housed with younger juveniles, who I fear may *not* be learning good things from their older peers.

In addition, more youth are being certified to stand trial as adults. This is due to the seriousness of their alleged offenses. And more of these youth are remaining in secure juvenile facilities until their cases in adult courts are final. Having more high-risk, high-need youth staying longer in detention impacts the overall safety, security and rehabilitative focus of our entire juvenile justice system.

I admire the dedication and fortitude of all your local juvenile office staff, detention personnel and judges who serve these youth and families under increasingly difficult circumstances.

We are grateful for your consideration of our budget request to help us better serve youth in detention.

Conclusion

In conclusion, we have many challenging issues facing us, but I am grateful for the opportunity to work with you in tackling them. I am confident, working together as constitutional partners, we can succeed.

Every session brings a unique blend of stress, challenges and opportunities. I know how hard it is to leave your loved ones behind, week in and week out, to come here, plowing through thousands of bills, as you set out to do the people's business.

And I know you, like me, are grateful for our families who support us in our public service. The public may identify us by "fancy titles," like representative or senator or judge. But the titles that

our loved ones give us are far more dear. My heart just melts when my grandkids call me “Mimi.”

Ultimately, you and I all owe a debt of gratitude to the people of our great state of Missouri for entrusting us to be their public servants. I imagine our younger selves never dreamed of such incredible opportunities or such tremendous responsibilities.

I am grateful for our time together this morning. Please take care of yourselves this session. It is stressful, and easy to dwell on conflicts and negativity. So I encourage you – just as I encourage my family at Sunday dinners – to focus on gratitude.

God bless you, and God bless this great state of Missouri, the home of our Kansas City Chiefs!!!