

# MUNICIPAL COURT ADMINISTRATION IN MISSOURI

by Frank J. Vatterott

There are almost 400 municipal courts in the state of Missouri. Yet the operation of municipal courts remains mysterious to many elected city officials. Often, those officials' knowledge of their municipal court is limited to reviewing the monthly report of income at the city council meeting.

The vast majority of court administrators, of course, are honest and competent. However, there have been several serious defalcations of municipal court funds which have been reported recently in the media. These reports have highlighted the importance of proper administration of municipal courts.

The work required of court administrators is wholly different than that of other city hall employees. Because of this difference, the duties of administrators are often misunderstood, and sometimes underappreciated, by both city officials and municipal judges.

While researching statutes and court rules in preparation for a presentation at the annual conference at the Missouri Municipal Associate Circuit Judges Association (MMACJA) last year, entitled *The Other Half Of Your Job - The Administration Of Your Court*, I concluded that there has been something missing in municipal court administration. There

has been no clear delegation from the judge to the court administrator to perform the many tasks of a court administrator now spread among many statutes and rules. It has been left to the administrator to comply with this maze of duties without clear direction from the judge.

## Judges' Responsibilities

Under Missouri law, the municipal judge, not the court administrator nor the city, is charged with the ultimate responsibility of administration of the municipal court. The difficulty in such administration is that most municipal judges are part-time and therefore must rely

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upon full-time court administrators to fulfill the many administrative functions of the court.

Municipal judges are also different than other types of judges in our state's judicial system. They are in a hybrid situation with respect to authority over their court administrators. Judges are not the direct supervisors of their court administrators. They cannot set hours, pay, or working conditions. These are properly established by the cities, the actual employers of court administrators.

Under the Missouri Constitution and statutes, judges, including municipal judges, are limited to making orders. The authority includes entering general orders, as well as orders on specific cases. So the delegation of authority from the judge to the court administrator for administration of the city's court must be in the form of an order. Hence, the evolution of the new Administrative Order we have recently written.

### Administrative Order

The new document generally consists of orders to the administrator to comply timely with a comprehensive list of those myriad of statutes and rules. It also includes a newly discovered Missouri Supreme Court accounting duty which will be discussed later in this article.

The Order includes provisions to the court administrator to report to four different entities, including the deadlines for such reporting to each.

Each court administrator is ordered to report monthly to the city, which generally consists of an accounting of the income of the court, to the Department of Revenue, to the Office of State Court Administrators (OSCA), and to the highway patrol. In the case of moving violation tickets, these must be sent to the Department of Revenue within seven days of each court session.

The reporting requirement to the Department of Revenue also includes reporting on non-resident violators, SATOP completion program, ignition interlock orders, crime victims compensation fees, and abuse and lose violations, among others.

The court administrator must by Supreme Court rule prepare and deliver monthly a form to OSCA which summarizes the previous month's court activity. There also is a report due to the high-

way patrol each month regarding any municipal convictions involving drug or alcohol offenses for fingerprint purposes.

In addition, to the administrator handling reporting requirements, the court administrator is placed in charge of management of each file. The administrator must make certain that each defendant who has plead guilty, or has been found guilty, pays the fine or serves a sentence, pays the court cost, and also pays a wide array of surcharges. These surcharges include the police training fund, domestic violence fund, recoupment for DWI arrests, and also may include restitution to victims when ordered by the judge. All of these separate surcharges must be accounted for by the court administrator. Warrants must be prepared by the administrator for non-compliance of a court order or for failure to appear to court.

### Accounting Provision

The accounting provision of the Order was developed as a result of a discovery your author made. OSCA has for

years developed specific court accounting procedures. These procedures have been adopted by the Missouri Supreme Court as an official rule. However, OSCA and municipal judges have always believed that the Supreme Court accounting procedures applied only to the circuit courts and associate circuit courts, and were only "recommended" to the municipal courts. An inquiry to the Supreme Court Rules Administrator this year resulted in a surprising and important opinion that the accounting procedures set forth by OSCA do apply to municipal courts.

As a result of this revelation, the Administrative Order includes a provision ordering the court administrator to follow the specific accounting procedures set forth in the Missouri Supreme Court rule. These procedures can be found in the Municipal Court Manual, a copy of which your court administrator should have. The Association believes it is vital that the city manager or finance department of your city review these accounting procedures with the court adminis-

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trator to make certain that the court and the city are in compliance. Some of these procedures may cause a hardship to smaller cities, as it requires frequent bank deposits and a system of pre-numbered receipts which may be viewed as “over-kill” by some cities. However, the rules apply to all cities regardless of docket size or frequency of court sessions.

The Administrative Order includes a provision regarding maintenance of closed records to comply to the Sunshine Law, and a section on privacy laws regarding medical conditions of defendants contained in SATOP reports. It also includes, orders relating to the maintenance of permanent records and the authority to destroy non-permanent records in accordance with Supreme Court procedures.

### Role Of City Officials

We recommend that if your municipal judge adopts this order, that your city manager or other official immediately review the Order with your judge and court

administrator, to make sure of your city’s compliance. Some city administrators who have already read the order have commented to me that they were completely unaware of the numerous and serious obligations imposed upon the modern court administrator.

The Missouri Municipal and Associate Circuit Judges Association’s Board of Directors adopted the Administrative Order on October 21, 2006. The Order itself is available on the Association’s Web site at [www.mmacja.org](http://www.mmacja.org) or through your court administrator.

The MMACJA recognizes that the court administrator cannot be expected to know all the statutes and rules required to administer the municipal court. That is the ultimate responsibility of the judge, who by execution of the Order then delegates the implementation of the statutes and rules to the court administrator.

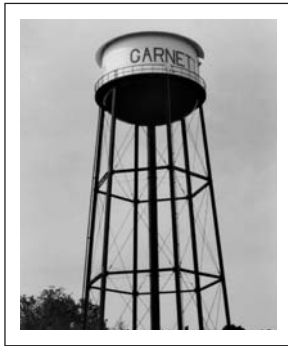
The Order also provides an opportunity for city officials to understand

more completely the serious responsibilities of the court administrator and to work with the administrator to comply with the Supreme Court mandated accounting procedures and reporting requirements.

While no order can prevent embezzlement, the Administrative Order does create a clear delegation of responsibility to the court administrator. The MMACJA believes that implementation of the Order will improve your court’s reporting and accounting compliance. Municipal court judges must rely upon their court administrator and their cities to provide the support necessary for compliance with the statutes and rules of the Supreme Court. By doing so, your city may prevent an unfortunate situation which has been an embarrassment to several cities across our state. □

**Frank J. Vatterott** is an attorney and serves as municipal judge for the city of Overland.

## SUSTAINABILITY



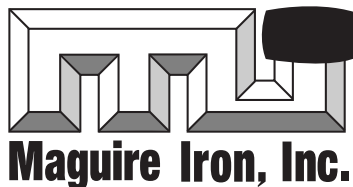
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