

State of the Judiciary
Chief Justice William Ray Price, Jr.
January 11, 2000

Mr. Speaker. Mr. President. Members of the General Assembly.

On behalf of the judges of the state of Missouri, it is a pleasure and an honor to deliver this 27th State of the Judiciary address. As we stand on the threshold of the twenty-first century, it is appropriate for us not only to speak of today's issues, but to consider our past and the future, as well.

We have come a long way from the time of pioneers in long boats and covered wagons. What was a wilderness purchased from France in 1803 is now the thriving heartland of America. What was a land of lawlessness is now a state in which the fair and equal application of law prevails.

As a people seeking justice we have made great progress over the years. In 1820, when Missouri's first Supreme Court was established, slavery was legal and women were not allowed to vote. In the mid-1800's the state was divided by a civil war and fear for life and property was the rule not the exception. Today the full protection of the law extends to all people regardless of religion, race, or gender and our courts enjoy the service of increasing numbers of African-American, Hispanic, and women judges. Although we still have a long way to go, this is a tremendous accomplishment in which we can all share joy and pride.

Another significant accomplishment for Missouri over the past century was the adoption in 1940 of the Missouri Plan for the appointment of judges. The Plan minimizes the harmful influence of partisan politics on judges while still holding judges accountable to the people. The wisdom of this plan is attested to by thirty-six states and the District of Columbia which have modeled their own plans after it. Missouri was the leader of our nation in this important step.

In just this past decade, our courts have continued to strive for improvement. As judges, we imposed time standards on ourselves and participated in a program of judicial transfers to more promptly resolve our cases. The courts were opened to electronic media. Family and drug courts were established. We began the statewide automation of our courts. The first woman and the first African-American were appointed to the Missouri Supreme Court. But, throughout all of this change, our focus has remained steadfast upon resolving the disputes of our citizens. Justice is our first priority. The delivery of justice in a timely and efficient manner.

It is difficult to measure the quality of justice. Often that measurement is shaped by the eye of the beholder, relative to his or her particular interest. But, I can tell you without hesitation that we are resolving the cases that come to us as promptly and efficiently as possible.

Unlike other states, we have no great delays in providing court dates for trials. This past year 962,986 cases were filed in our circuit courts. That is up from the year before and an increase of almost 20 % from 1993. Our caseload is steadily increasing. But, the vast majority of cases in Missouri are resolved in less than two years and many within one year. Here are the hard numbers:

- 80% of circuit court civil cases are disposed within 18 months
- 90% of domestic relations cases are disposed within 1 year
- 97% of associate civil cases are complete in 1 year, and 89% are complete within 6 months
- 87% of circuit court felony cases are completed within 8 months.

Two key factors helped us achieve these results. First, in 1993, we adopted “time standards” to provide guidelines within which litigants could expect to have their cases heard. These standards encourage judges to keep track of how long a case has been pending and to resolve cases promptly.

Second, we pursued a more aggressive program of judicial transfers. We asked sitting judges and senior judges to increase their assistance to circuits with heavy dockets. Since 1994, judges have worked over 40,200 days and handled over 10,700 cases on judicial transfer.

Although both of these programs were controversial at first, they worked. Again the numbers tell the story.

- In 1993, the first year time standards took effect, more cases were disposed of than were filed, something that had not happened in recent history prior to that time.
- Since 1993 although case filings have increased by nearly 20%, the number of pending cases increased only 12.2%.
- Since 1997, in each and every one of the five case categories, the time necessary to process cases has decreased.

Of course, none of this could have happened without the hard work and dedication of the men and women who are judges in Missouri. And, it could not have happened without your support and cooperation in providing necessary funding. We recognize that you have provided us with scarce resources and we are proud that despite an increasing workload our portion of the state's budget is less than 1% of total state expenditures.

As you begin this legislative session, there are a number of issues that are important to the judiciary: the proper role for judicial commissioners, the method of appointment of circuit court clerks, increased compensation for jurors, family court enhancements and criminal justice reforms. All received considerable attention last year and all will be debated again this year. I do

not have time during these remarks to address each of those issues because there are two other issues I need to discuss in detail.

The first is our joint effort to create a statewide system of court automation. This has been an ambitious and difficult undertaking, but it is absolutely necessary if we are to provide timely and efficient service in the years to come. Our court system must keep up with the rest of Missouri.

When we began this project five years ago many county courts had no automation. Courts in our larger counties that had automated systems could not be linked to the rest of the state and some suffered potentially fatal Y2K problems. With your assistance, a committee was formed and began to design a single integrated system that would meet the needs of all of the courts of this state. The goals for the new computer system were increased efficiency, improved public access, and better management.

Implementing this new technology, as might be expected, has not been cheap or easy, but we have made significant progress. Today we have an information system that allows communication among all of the judicial circuits in the state. One hundred percent of appellate and circuit court judges, as well as nearly ninety percent of associate circuit judges and circuit clerks have access to the system. Case management software is working in divisions of the Barton, Boone, Cole, Franklin, Jackson, Montgomery,

Platte, St. Charles, Taney and Warren county courts as well as in all three districts of the Court of Appeals and in the Supreme Court. At the end of Fiscal year 2000, 31% of the state's caseload will be managed by this software, serving 41% of the state's population. We particularly thank the court staffs, lawyers and citizens of Montgomery and Jackson counties for serving as pilot sites. They suffered the inevitable wrinkles that needed to be discovered before they could be ironed out.

At this time forty-two courts are requesting implementation of the case management system. The speed with which we will be able to grant these requests and time within which we will be able to complete our state wide objectives will depend upon the amount of funding you provide.

Last year you provided \$6.1 million of funding. With this money case management software has been installed in seven courts with Y2K problems and in seven additional courts as well. By the end of the year we hope to complete installation of case management software in twenty-three courts.

This session we are requesting funds to install the case management software in another twenty to forty courts and to continue development of the system. We understand that this will be a tight budget year and additional resources for any project will be limited. We want you to understand that we are thankful for the support you have given us for this

project. We will do the best we can to continue this vital work throughout the state as quickly as funding allows.

Drug courts are another priority of the judiciary. Seven years ago the first drug court was established in Jackson County. Two years ago a task force of the judicial conference recommended and you passed a bill authorizing drug courts statewide. Today twenty-two drug courts are in operation in Missouri with another seventeen in planning stages.

The benefits of drug courts are clear. Instead of sending a non-violent drug offender to prison, he or she is provided treatment under judicial supervision. Cost savings are substantial and the likelihood of rehabilitation is greatly increased. Statewide we have had 869 individuals graduate from drug court with only 34 being rearrested or convicted for new crimes. This represents roughly a 4% recidivism rate compared with a rate of 45% , or greater, for drug offenders who have not graduated from drug court. Drug courts are the right and the efficient thing to do.

Drug courts also have a place outside of the adult criminal system. Jackson and Newton counties are initiating family drug courts. Juvenile drug courts have been established in Newton and Scott counties and Saint Louis City. A number of other counties are planning for juvenile and family drug courts as well.

The primary cost of drug courts is providing treatment and supervision to the participating individuals. Presently, the funding for this treatment is spread among a number of state agencies and is not formally coordinated. Most of the treatment money is channeled through the Department of Corrections and can only be used for adult felony offenders. This money is not available for family drug courts or the treatment of juveniles. We should have a system that is more flexible to the needs of Missouri. A mother struggling to keep, or regain, custody of her children or a troubled juvenile trying to stay in school needs and deserves treatment just as much as an adult charged with a felony.

To solve this problem the Judicial Conference is asking that you establish a drug court commission to coordinate and to administer all moneys allocated to drug courts. The commission would include members of the various state agencies involved in drug treatment issues, the Department of Corrections, the Department of Social Services, the Department of Public Safety, the Department of Mental Health, and the courts. The commission would coordinate all state funding for drug courts, whether adult, family, or juvenile. This will allow for the full utilization of treatment moneys where they are most needed and establish a central source

for evaluation and management of drug court programs state wide. I urge you to seriously consider this proposal.

Finally, just a brief thought about the future. If we have learned anything from the past, it is that the foundation for the future is change. Change in technology, change in issues and interests, change in leaders. To serve the people of Missouri well, we in state government will have to identify and resolve the changing problems of each new day under ever-increasing public pressure and with ever increasing speed. But if we are to serve the people of Missouri well, we will also have to resolve the problems of each new day in accordance with the virtues of our past. Between 1922 and 1924, 14 of those virtues were carved into the walls of this very chamber; knowledge, liberty, equality, law, justice, fraternity, education, progress, honor, truth, virtue, temperance, enterprise, and charity. If we remain true to these virtues, regardless of what problems lay ahead, the state of Missouri can look forward to a future even greater than its past.

Thank You.