



# Administration of Justice

Of the countless activities and projects undertaken by The Missouri Bar during any given year, perhaps none has so lasting an impact on so many Missourians as the organization's efforts in the legislative arena. Throughout 2011 and into 2012, The Missouri Bar has continued its efforts to address issues affecting the administration of justice, the integrity of the judiciary, and the dignity of the legal profession.

The state bar carefully monitors all matters that fall within the above-mentioned scope, and at the same time focuses on measures drafted by various substantive law committees of The Missouri Bar to improve the law. Following the conclusion of the 2011 session of the Missouri General Assembly, many state bar committees began drafting proposals for possible introduction during the 2012 legislative session.

## *2011 Legislative Session*

Four Missouri Bar-drafted bills passed during the 2011 legislative session, with each making a positive difference in the lives of Missourians and the administration of the state's justice system.

- House Bill 111, originally sponsored by Rep. Stanly Cox, evolved into a judicial omnibus bill that included a wide variety of legislation. The bill included a Missouri Bar Criminal Council-drafted provision that reclassifies some misdemeanor crimes. The new legislation will remove the possibility of jail time as a penalty for the first-time offenders of certain misdemeanors, such as driving while revoked; failure to maintain financial responsibility; purchase or consumption of alcohol by a minor; and certain motorcycle drivers' license offenses. First-time offenders seldom were jailed for these offenses, but because of that possibility, Missouri's public defenders were required to represent indigent defendants charged with these misdemeanors. The new law will allow the state's public defenders to make better use of their scarce resources.
- Senate Bill 165, sponsored by Senator Jack Goodman, extends the sunset provision on a court filing fee for legal services. The sunset provision was set to expire on December 31, 2012, but will now

extend until December 21, 2018. Proceeds are dedicated to the Basic Civil Legal Services Fund, designated for providing civil legal help to low-income Missourians.

- Divorced parents who contend with the court systems of more than one state will be affected by House Bill 260, the Uniform Interstate Family Support Act, also sponsored by Representative Cox. This legislation updates Missouri's current Interstate Support Act consistent with changes endorsed by the National Conference of Commissioners on Uniform State Laws, The Missouri Bar Family Law Section and the Missouri Bar Board of Governors. UIFSA facilitates enforcement of child support where a parent attempts to escape payment by moving to another state or country, and eases local court process for enforcing or modifying a foreign country's order where the foreign court refuses to enforce or modify. The act also prevents "forum shopping" for more lenient enforcement provisions in other states and strengthens the legal effect of orders entered by a court in the home state. It also streamlines the process of determining the "controlling order" where multiple orders have been issued.
- Another omnibus bill, Senate Bill 59, originally sponsored by Senator Joe Keaveny, included a variety of changes drafted by the bar's Probate & Trust Law Committee affecting trusts. These changes make some trusts more flexible; ensure that Missouri trusts are in compliance with federal laws; and clarify a number of issues for people who administer or rely on trusts.

During the session, the bar also offered constructive input on many bills by providing comments and drafting suggestions provided by members of bar legislative review subcommittees and approved by the Executive Committee and Board of Governors.

## *2012 Legislative Session*

The 2012 session of the General Assembly will also consider four pieces of proposed legislation drafted by various Missouri Bar committees. For example:

- The Commercial Law Committee has drafted proposed legislation that clarifies provisions of the bankruptcy exemption statutes to remove questions about the original intent of the General Assembly. It makes one substantive change to raise the age of a dependent from 18 to 21 to conform to the reality of community, economic and social conditions.
- The Probate & Trust Law Committee has proposed technical changes to clarify that multiple qualified spousal trusts may be created concurrently.
- In addition, the Probate & Trust Law Committee has drafted a proposal that would bring clarification to the law regarding the rights and responsibilities of a trust protector.
- The Criminal Law Committee has drafted a proposed update and reorganization of the Missouri Criminal Code. Beyond clean-up and renumbering of various statutes – both new and outdated – the proposal includes substantive recommendations that reflect the practical realities of the criminal justice system, as it exists today in Missouri, for practitioners, crime victims and defendants.

### *The Missouri Bar's Legislative Process*

Within the scope identified above, any legislative position or proposal to be advocated by The Missouri Bar must be approved by a two-thirds majority of the Board of Governors, or the Executive Committee acting on behalf of the Board at times when the Board does not meet.

To ensure maximum input on legislation proposed by Missouri Bar committees, copies of measures submitted as part of the regular process established by Board policy are sent to all local bar associations for review and comment. The Missouri Bar's Legislative Committee also reviews each proposal.

The Board of Governors recognizes that there may not be complete consensus among members of the bar regarding specific legislative issues. Accordingly, any bar member who objects to a position or activity of The Missouri Bar in the legislative arena may notify the executive director of that objection and request a rebate of that portion of the member's bar dues supporting legislative activities.

Missouri Bar members are kept aware of the progress of bar-sponsored legislation, as well as other matters of interest to the profession, through *The Legislative Digest*. In addition, the state bar's legislative staff is available to respond to inquiries regarding specific legislative proposals and provide copies of pertinent bills. Information on bar-drafted bills and related topics is also available through The Missouri Bar's website, located at [www.mobar.org](http://www.mobar.org).

