LOCAL LAWYERS CALL FOR IMMEDIATE ACTION TO REFORM ST. LOUIS COUNTY MUNICIPAL COURTS
SLU LAW Legal Clinic and ArchCity Defenders ask for changes from Rule 37 to be implemented.

January 7, 2015 - Lawyers in the Saint Louis University School of Law Legal Clinic, along with lawyers from ArchCity Defenders, are calling for immediate action from municipalities in the St. Louis area to put into effect changes which appear in a new rule issued by the Supreme Court.

The Missouri Supreme Court has adopted a new municipal court rule, amended Rule 37.65, which makes it clear that municipal judges have authority to waive collection of all or part of an unpaid portion of a fine for ordinance violations. The new rule is not effective until July 1 of this year, but the lawyers from SLU LAW and ArchCity want cities to put the reforms into effect immediately to help low-income members of the community who face hardships because of municipal court fines and warrants. There are more than 400 thousand warrants pending from municipal courts in St. Louis County.

In the wake of Michael Brown’s death in Ferguson, the procedure and structure of the municipal court system has come under great scrutiny. SLU LAW’s Legal Clinic and lawyers from ArchCity Defenders, wrote to the Court on September 3, 2014 asking for modification to its rules to make such a change. The Court announced the rule changes in late December, with an effective date July 1, 2015 to allow time for the new rule to be published.

“We are calling on the all municipal courts throughout the area to immediately implement the changes in the amended rule. There is no reason these improvements cannot be put in place today,” said Brendan Roediger, a SLU LAW professor and faculty member in the Legal Clinic.

SLU LAW Clinic Professors Roediger, John Ammann and Steve Hanlon, ArchCity Defenders lawyers Thomas Harvey, Michael-John Voss and John McAnnar and SLU LAW student Taylor Sander, who provided much of the research, joined in signing the letter, along with SLU LAW Dean Michael Wolff, a former member of the Supreme Court.

The group is praising the Supreme Court’s action to improve municipal court procedures.

Another notable improvement is requiring that there be a “show cause” hearing to determine if a person has the ability to pay their fines prior to a warrant being issued for failure to appear. “The amended rule should eliminate the practice in many cities of issuing warrants automatically if a person misses a scheduled court docket for payment of a fine, and should eliminate the issuance of automatic failure to appear charges,” said Professor Roediger.

The amended rule now requires municipal judges to grant a person more time to pay fines or to pay in installments if they do not have the means to pay a fine. Under the existing rule, judges had discretion to grant more time or installments, but are not required to do so.
Municipal court will now be allowed to confine a person for contempt only after the “show cause” hearing and the determination that the person intentionally refused to pay the fines.

“Contempt proceedings resulting in confinement require that a person have a lawyer appointed for them, even if they can’t afford one,” said Professor Roediger. So municipalities who want to use the contempt power must appoint counsel before subjecting indigent defendants to jail.

As part of an overall effort to ensure that the rights of defendants in municipal courts are protected, the SLU Legal Clinic and ArchCity have joined with the Campbell Law Firm to file lawsuits against seven municipalities for charging illegal fees to defendants in municipal courts, and the Clinic and ArchCity have filed suit against the Village of Bel-Ridge for failing to comply with a state law requiring a report about how much of the village’s revenue comes from traffic fines.

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