



Judicial Finance Commission

Presented by Judge Robert M. Clayton III

Missouri Court of Appeals

JFC Chairman

March 1, 2024



Judicial Finance Commission

The Judicial Finance Commission was established to resolve budget disputes between counties and their respective circuit courts.

The commission is empowered to:

- Take up and hear Petitions For Review from counties and from the Public Defender Commission
- Schedule informal conferences to expeditiously settle disputes
- Hold hearings so parties have the opportunity to present their positions for the record, and
- Issue opinions on the reasonableness of the disputed budget request.

<https://www.courts.mo.gov/page.jsp?id=371>

Budget Dispute with the Circuit Court or Circuit Clerk

[Section 50.640.1](#): “The estimates of the circuit court . . .and the circuit clerk . . . Shall be transmitted to the budget officer by the circuit clerk. The estimates of the circuit clerk shall bear the approval of the circuit court. The budget officer or the county commission shall **not** change the estimates of the circuit court or of the circuit clerk without the consent of the court . . . But shall appropriate in the appropriation order the amounts estimated as originally submitted or as changed, with their consent.”

[Section 50.640.2](#): “If the county deems the estimates of the . . . Court to be *unreasonable*, the [county] may file a petition for review the Judicial Finance Commission.”

Judicial Finance Commission: Where to Begin?



[Section 50.640](#), RSMo – Process for County Budgeting

[Section 477.600](#), RSMo – Judicial Finance Commission members, terms, vacancies and powers

[Court Operating Rule 12](#) – Rules of Practice and Procedure before the Missouri Judicial Finance Commission

Judicial Finance Commission Forms:

[Form JFC 2510](#) – Petition for Review by county governing body

[Form JFC 2530](#) – Application for Intervention

[Form JFC 2540](#) – Notice to set aside submission and introduce additional evidence

[Form JFC 2590](#) – Notice of Petition for Review in Supreme Court of Missouri

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Budget Dispute with the Circuit Court or Circuit Clerk

- Forms are available on the Supreme Court website
- Counties have the option of self-representation or hiring legal counsel
- Section 50.640.2: Key term for the resolution of the dispute is *Reasonableness*
- Circuit Judge carries the burden of proof for *Reasonableness* of the budgetary request
- The JFC will consider the budget of the county and comparisons of funding with other departments
- If dispute involves pay rates, JFC will compare pay of other employees
- JFC will try to resolve before the fiscal year or within 90 days of the fiscal year

JFC Procedure and Practice

- JFC is NOT a Court of law, but a tribunal created by statute and the Supreme Court of Missouri
- JFC will generally follow rules of evidence and civil procedure as a standard of fairness to the parties, but will have flexibility to allow parties to present their cases of *reasonableness*
- Burden is on the Circuit Court
- JFC was created to resolve disputes of various parts of state and county government; focus is on *reasonableness* and allowing each political unit to represent their respective constituents
- Focus initially is on reaching a settlement to avoid cost; county is responsible for its own counsel and the circuit court may apply to the JFC for payment of the Court's counsel, which also is the responsibility of the county (Legislation has been proposed in numerous sessions to change this statute.)
- Settlement sessions are conducted by myself and Commissioner Koeper (or other ranking county official on the JFC)
- Aggrieved parties may appeal directly to the Supreme Court of Missouri for final determination

Issues Addressed by the JFC



- Maintenance of Effort in the Juvenile Office
- Guardian ad Litem expenses
- Pay of county employees within the Circuit Court
- A County's share of Public Defender expenses
- Costs associated with Judicial space, i.e., security, courtroom use and rehabilitation or other Capital costs
- Any financial dispute involving county funding for Judicial operations

Budget Dispute with the Circuit Court or Circuit Clerk

Important Dates to Remember

Petitions must be filed by (unless good cause shown):

- First Class Counties: Petition due by **January 1**
- Second Class Counties: Petition due by **February 1**
- All other Counties: Petition due by **February 15**
- See [Supreme Court Operating Rule 12-9.05](#)

Budget Dispute with the Public Defender

[Section 600.101](#): “Any dispute between any county or city not within a county and the state public defender regarding office space and utility service provided or to be provided pursuant to section 600.040 may be submitted to the judicial finance commission established pursuant to section 477.600.”

Members of the JFC

- The Supreme Court appoints the members of the JFC in cooperation and consultation with the CCAM
 - **Section 477.600**: “At least one member of the commission shall be a member of a county governing body from a county of the third class, one member . . . Shall be [from] . . . A county of the first class, and one member . . . Shall be . . . From any class of county.”
 - **Judiciary Members**: Traditionally, the Supreme Court appoints a Judge from the Court of Appeals as Chair while the other three judicial members come partially from urban and from rural areas including one from a single county circuit and at least one from a multi-county circuit.
- Judge Robert Clayton, Chairman (Court of Appeals and from Marion County)
 - Commissioner Paul Koeper (First class county-Cape Girardeau)
 - Commissioner Janet Thompson (First class county-Boone)
 - Commissioner Melinda Robertson (Third class county-Polk)
 - Judge Michael Noble (Single “county circuit”-City of St. Louis)
 - Judge Terry Tschannen (Multi-county circuit-Linn)
 - Judge Jennifer Phillips (Jackson)

Questions & Discussion

- Members of the Commission are volunteers to their appointment
- Commissioners work together closely in finding amicable ways to settle legitimate disputes among different government agencies
- JFC decision can only be reviewed by the Supreme Court of Missouri
- Judiciary and County government have an obligation to the taxpayer and their constituents to work out differences as efficiently and effectively as possible
- Let's get to work!

Questions & Discussion

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Judge Robert Clayton
Chairman

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