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114-800
Sunshine Law case goes before judges

By PEG McNICHO
SOUTHEAST MISSOURIAN

FARMINGTON, Mo. — Eastern District Court of Appeals judges had a large audience while questioning both parties to the Cape Girardeau County Sunshine lawsuit.

The St. Francois County courthouse in Farmington held at least 30 area high school students, people involved in two other appeals cases, Cape Girardeau County Presiding Commissioner Gerald Jones, 1st District Commissioner Paul Koeper and 2nd District Commissioner Jay Purcell. Purcell's lawsuit against the commission alleges Sunshine Law violations.

Chief Judge Nannette Baker, Judge Patricia Cohen and Judge Kurt Oden-

wald aimed many questions at why Purcell sued the commission instead of individual commissioners.

After Baker suggested Purcell was in effect suing himself, J.P. Clubb, who represents Purcell, said suing the commission as a government body was a conscious decision.

"To say you can't sue a government body would gut the Sunshine Law," he said.

Later, Clubb compared the commission to a state agency like the Missouri Department of Health and Human Services. Odenwald said it might be more like the state legislature, but took a different tack with Tom Ludwig, the county's attorney, saying commissioners vote as a body to enter into legally binding contracts. Ludwig maintained lawsuits

are typically filed against a county or its individual commissioners.

Odenwald also questioned the April 17 agenda's closed meeting notice, which he said was broad.

"Why not say 'We're going to hold a closed session on any and all topics in the statute?'" Odenwald asked Ludwig.

"There is no doubt, this notice is not a monument to openness," Ludwig replied.

Cohen cautioned those at the hearing against assuming the questions reflected the upcoming decision.

"You can't tell which way the court goes by the questions we ask," she said.

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Appeals court 'road show' is civic outreach

Travel is an important element of Missouri's Court of Appeals judicial role.

Chief Judge Nannette Baker, chief justice of Missouri's Eastern District Court of Appeals, said Wednesday's stop in Farmington, Mo., to hear seven cases was an ongoing outreach.

At least four high schools sent students to watch the hearings. After judges heard arguments for the first three cases, they paused to answer students' questions.

One student asked how the judges come up with an opinion. Baker said they make a preliminary decision after hearing a case, then decide which of them

will write it up.

Three of the appeals court's 14 judges typically make two trips a year, one to the north and one to the south, often going to Cape Girardeau, Baker said. The judges' trip to Farmington this year, she said, is the first in a nearly a decade.

"We want people to understand what we do and how we work," she said. "You can always come to see a local court, but you can't always go to the Court of Appeals in St. Louis."

The Missouri Supreme Court is required by law to hear cases in Jefferson City, Mo.

— Peg McNichol