

**TWENTY-SECOND JUDICIAL CIRCUIT**

**City of St. Louis**

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## **ADMINISTRATION**

### **RULE 1 DIVISIONS OF COURT**

#### **1. Divisions of Court**

1. The divisions of the Twenty-Second Judicial Circuit Court (City of St. Louis) shall be designated Nos. 1 through 31. In addition, there shall be a Municipal Court Division. The divisions of the Twenty-Second Judicial Circuit Court shall be as follows:

Division 1:	Presiding Judge/Probate
Division 2:	General
Division 3:	General
Division 4:	General
Division 5:	General
Division 6:	General
Division 7:	General
Division 8:	General
Division 9:	General
Division 10:	General
Division 11:	General
Division 12:	General
Division 13:	General
Division 14:	Family Court - Family Law Division
Division 15:	Family Court - Family Law Division
Division 16:	General
Division 17:	General
Division 18:	General
Division 19:	General
Division 20:	General
Division 21:	General
Division 22:	General
Division 23:	General
Division 24:	Misdemeanor Jury Trial
Division 25:	Preliminary Hearings and Misdemeanors
Division 26:	Preliminary Hearings and Misdemeanors
Division 27:	Minor Civil
Division 28:	Minor Civil
Division 29:	Minor Civil - Jury trial
Division 30:	Family Court - Juvenile Division
Division 31:	General

2. In accordance with Local Rule 6.8.3, each year the Presiding Judge shall designate two of the general divisions to be the civil motion/equity divisions for the next calendar year.
3. Judges in the general divisions shall be divided into six groups, to be designated Group 1 through Group 6. The Presiding Judge shall assign each general division judge to one of the six groups each year, and trials in each general division shall be set according to a six week rotating schedule as follows:

Week A: Criminal Trial  
Week B: Civil Trial  
Week C: Civil Trial  
Week D: Flex week  
Week E: Criminal Trial  
Week F: Criminal Trial

The schedules of the general divisions shall be staggered at the direction of the presiding judge such that Group 1 judges shall commence the calendar year ~~2007~~ with Week A, Group 2 judges shall commence with Week B, Group 3 judges shall commence with Week C, Group 4 judges shall commence with Week D, Group 5 judges shall commence with Week E and Group 6 judges shall commence with Week F. Each group shall continue with the rotation as set forth above for each new calendar year.

A circuit judge in a general trial division has the discretion to conduct a criminal trial during a "B" or "C" week. However, if there is a conflict with trial settings during those weeks, the civil case shall take precedence. In addition, a circuit judge in a general trial division may schedule any kind of trial during its "D" week.

## **RULE 2 HOURS AND TERMS OF COURT**

### **2.1 Hours of Court**

The hours of Court are from 9:00 a.m. to 5:00 p.m. Monday through Friday, except holidays. Each judge is responsible for the judge's division during those hours. If the judge is unavailable because of vacation, education, illness, or other reason the judge must make arrangements with another judge to be

responsible for the absent judge's division, and shall post that arrangement in a manner reasonably calculated to inform any person who may appear in the absent judge's courtroom.

## **2.2 Terms of Court**

No Local Rule.

## **2.3 Law Days**

No Local Rule.

## **2.4 Particular Matters on Particular Days**

### **2.4.1 Defaults**

No local rule

(repealed 12/07/06)

### **2.4.2 Pre-Trial Motions**

No local rule

**2.4.3 Chapter 517 (Division 27)** - Return settings for Chapter 517 causes pending in Division 27 are at 9:30 a.m. Monday through Thursday.

**2.4.4 Landlord and Tenant Cases (Division 27)** - Rent and possession cases and unlawful detainer and forcible entry and detainer cases are set in Division 27 on Fridays at 9:30 a.m.

## **RULE 3 PLEADINGS**

### **3.1 Caption**

All pleadings shall contain a caption which shall contain the matter set forth in Supreme Court Rule 55.02 and the division of the Court in which the case is pending. All petitions and pleadings that require personal service shall contain the service address for any parties to be served.

### **3.2 Style**

All pleadings and motions intended for filing in any case shall conform to the requirements of Supreme Court Rule 55.02 and Rule 55.03(a); shall be printed, double-spaced, on 8½ by 11 inch document page size with a top and left-hand margin of at least one inch and with page numbers at the bottom; shall state the character of the pleadings and motions and, if a petition, the nature of the suit. Paragraphs of pleadings shall be numbered consecutively. An attorney offering a document for filing may sign it on behalf of law firm or attorney when duly authorized to do so; but he must also subscribe his own signature on said document. (The attorney whose signature is affixed to the pleading or document shall be deemed to be the trial attorney in the case).

Documents filed by pro se litigants need not be typewritten or printed.

## **RULE 4 FILING OF CASES**

### **4.1 Electronic filing**

Paper documents mailed and postmarked prior to July 8, 2013 shall be accepted for filing. Effective July 8, 2013, all pleadings, motions and other documents shall be filed electronically, as provided by Supreme Court Rule 103 and Court Operating Rule 27, except for the following documents which may be filed on paper:

- (a) Documents filed by pro se litigants;
- (b) Documents filed in the municipal division;
- (c) Complaints, indictments and informations;
- (d) Documents prepared within a courtroom during trials and hearings.
- (e) Entries of appearance in criminal cases that do not exceed one page in length. Those documents referred to in subparagraph (e) may be filed by mail or fax.

## **4.2 Criminal Cases**

1. All complaints, indictments and informations charging felonies or misdemeanors shall be filed in a central location established by the Circuit Clerk. All pre-arraignment matters shall occur in Division 25 and 26 in accordance with Rule 6. Upon filing of a felony complaint the case will receive a random assignment to a circuit division, with such assignments done evenly amongst the circuit divisions. This assignment shall be reflected in the electronic file.

All indictments shall be returned in Division 1 of the Court or in such division as designated by the Presiding Judge. All motions regarding grand jury proceedings shall be filed electronically and shall be presented in Division 1 or in the division designated by the Presiding Judge to receive the indictments.

2. All complaints, indictments and informations charging felonies or misdemeanors filed with the Circuit Clerk shall set forth the Missouri Approved Criminal Charge code for each charged offense.

## **4.3 Civil Cases**

All petitions, motions and other documents in civil causes shall be filed electronically except that documents filed by pro se litigants shall be filed with the Circuit Clerk in the Civil Courts Building. All original petitions shall be accompanied by a Filing Information Sheet as provided for in Supreme Court Operating Rule 4.07.

## **4.4 Probate Cases**

All petitions, motions, applications, and pleadings in matters before the Probate Division shall be filed electronically except that documents filed by pro se litigants shall be filed with the Clerk of the Probate Division on the 10th Floor, Civil Courts Building.

## **4.5 Juvenile Cases**

All causes arising under the Juvenile Code and Adoption Law, and all causes arising under the Child Labor and Compulsory

Education laws of Missouri shall be filed electronically except that documents filed by pro se litigants shall be filed at the Clerk's office at the Juvenile Division of the Circuit Court.

#### **4.6 Small Claims Cases**

Small claims cases shall be filed with the Circuit Clerk, 1st Floor, Civil Courts Building.

#### **4.7 Municipal Cases**

All complaints or informations charging municipal ordinance violations shall be filed with the Clerk of the Municipal Division of the Court at the Clerk's office at 1520 Market Street.

### **RULE 5 FEES AND COSTS**

#### **5.1 Filing Fees and Cost Deposits**

Filing fees and cost deposits shall be set by schedules approved by the Presiding Judge. The schedule shall be published on the court's web site.

#### **5.2 Costs**

The Circuit Clerk shall tax court costs as provided by statute and Supreme Court rule.

#### **5.3 Witness Fee**

No Local Rule

#### **5.4 Waiver of Fees**

Applicants to the Court for permission to sue as a poor person must, unless unavoidably prevented, be present in person when the application is made. Every such application must be accompanied with the petition in the cause, unless already filed, and with an affidavit stating the inability of the applicant to pay or provide security for the costs of the



suit, whether prior application has been made, the period of time the applicant has resided in the Circuit, and that the applicant has truthfully stated to counsel all the facts bearing on the cause and has been advised by said counsel that he has a meritorious cause of action. Leave to sue as a poor person shall be granted as to part or all of the costs of the Circuit Court only. Unless the cause is already pending in another division, all such applications shall be presented to the Judge presiding in Division No. 1; except that applications made in conjunction with adult abuse petitions shall be presented to the Judge presiding in Division 14, and applications for waiver of fees in domestic relations or dissolution of marriage cases shall be presented to the judge presiding in Division No. 15.

#### **5.5 Motion for Security for Cost**

No Local Rule.

#### **5.6 Trial de Novo, Misdemeanor and Municipal Ordinance**

There shall be a deposit of costs for \$70.00 made with each application for trial de novo from the judgment in any misdemeanor or municipal ordinance cause. No application for trial de novo shall be accepted and filed by the Circuit Clerk or the Municipal Clerk unless such deposit is made or unless a Judge in the division wherein the judgment has been rendered grants leave to the applicant to proceed as a poor person upon the filing of a sufficient affidavit.

#### **5.7 Taxation**

Within thirty (30) days after entry of judgment or dismissal of a case the parties shall claim taxable court costs on such form as is provided by the Circuit Clerk.

### **RULE 6 ASSIGNMENT OF JUDGES, CASES AND TRANSFER OF CASES**

#### **6.1 Assignment to Associate Circuit Judges**

##### **6.1.1 By Local Court Rule or Order**

##### **6.1.1.1 Division 29**

Any case pending in Division 27 or 28 in which a jury trial has been requested shall be heard in Division 29.

Any case pending in Division 27 or 28 in which the damages sought in a petition, a counterclaim, a cross claim or a third party claim exceed the jurisdiction of cases triable under Chapter 517, shall be certified to the presiding judge for reassignment to be heard in Division 29. The additional cost deposit shall be paid by the party whose claim exceeds the jurisdictional amount.

Trials de novo in civil cases shall be heard in Division 29.

Land tax cases shall be assigned to Division 29.

#### **6.1.1.2 Division 14**

Family Court cases shall be assigned to Division 14 as provided in Rule 100.8.1.

#### **6.1.1.3 Divisions 25 and 26**

a) All preliminary hearings in felony cases shall be heard and determined by an associate circuit judge presiding in Division 25 or 26.

b) The juror show cause docket instituted by the Jury Supervisor shall be assigned to Division 25 or 26.

c) Judges in general divisions may transfer cases pending in their divisions to Division 25 or 26 for the purpose of pleas and other dispositions in the Treatment Court in accordance with the criteria for the Treatment Court approved by the Court en banc pursuant to Rule 100.14.6.

d) All misdemeanor cases shall be heard and determined by an associate circuit judge presiding

in Division 25 or 26.

e) Cases within the categories set forth above shall be assigned to Division 25 or 26 as follows: odd numbered cases shall be assigned to Division 25 and even numbered cases shall be assigned to Division 26.

#### **6.1.1.4 Divisions 27 and 28**

A. The following cases shall be heard and determined in Divisions 27 and 28

(a) Except where plaintiff or counsel for plaintiff designates in writing at the time of filing the case that it shall be heard and determined under the civil practice and procedure applicable before circuit judges, the Clerk shall forthwith assign to Division 27 or 28 all civil actions for the recovery of money, whether such action be founded upon contract or tort, or upon a bond or undertaking given in pursuance of law in any civil action or proceeding, or for penalty of forfeiture given by any statute of this state, when the sum demanded, exclusive of interests and costs, does not exceed \$25,000.

(b) Small claims cases.

(c) Actions for unlawful detainer authorized by Chapter 534, actions for rent and possession authorized by Chapter 535 and any other cases listed in § 517.011(2) & (3).

(d) Upon the return date of any civil cause pending in Division 27 or 28, other than a small claims case, in the event that the defendant appears in person or by attorney and indicates to the Court that a jury trial is requested, the case shall be assigned to Division 29. The additional jury cost deposit shall be paid by the plaintiff in such case.

(e) Petitions for review of drivers' license revocations and for hardship driving privileges, proceedings for the approval of settlements of suits involving claims by persons under 18 years of age, wrongful death settlements, transfer of structured settlements and uncontested actions involving the title of real estate

B. Cases within the categories set forth above shall be assigned to Division 27 or 28 as follows: odd numbered cases shall be assigned to Division 27 and even numbered cases shall be assigned to Division 28.

C. An attorney who anticipates filing more than 200 cases to be heard in Divisions 27 and 28 each year may request that the presiding judge designate the attorney as a "bulk filer." The presiding judge may then enter an administrative order directing that all of said attorney's cases that fall within the categories designated for Divisions 27 and 28 shall be assigned to a single division, either Division 27 or 28. In determining whether a particular bulk filer's cases shall be assigned to Division 27 or 28, the presiding judge shall, so far as possible, provide for an equal number of cases to be assigned to each division.

#### **6.1.1.5 Division 24**

All misdemeanor causes and municipal ordinance violations wherein there has been made a request for a jury trial shall be assigned to Division 24.

#### **6.1.2 Special Assignment**

No Local Rule

### **6.2 Assignment to Circuit Judge**

#### **6.2.1 Civil Jury cases**

After filing, the clerk shall assign each case triable by a jury to Division 1. Thereafter, the presiding judge shall place each such case on the Division 1 trial calendar and assign such cases to general divisions for trial when appropriate. If, for any reason, the judge in the general division to which the case has been assigned is unable to resolve the case on the week assigned for trial, the case should be transferred back to Division 1, unless it has been placed on the general division dismissal docket. From time to time and in the presiding judge's discretion, the presiding judge may assign extraordinary cases requiring individual and continuing attention to general divisions for trial setting, pretrial motions and trial.

### **6.2.2 Criminal cases**

Following arraignment the judge presiding in Division Twenty-Five or Twenty-Six shall designate a circuit division for each felony case pursuant to the assignment in the electronic file under Rule 4.2.1. The judge presiding in Division 25 or 26 shall provide the defendant and all counsel with an appearance date in the designated division. All general divisions shall provide the court with dates that are available for an appearance for any case assigned to their division.

### **6.2.3 Equity and Non-Jury cases**

All equity and circuit non-jury cases shall be assigned upon filing in regular rotation and in numerical order to one of the two civil motion/equity divisions of the Circuit Court pursuant to administrative order by the Presiding Judge. Causes so assigned shall include applications for subpoenas pursuant to Rule 57.08, accounting, declaratory judgment (except paternity suits), corporate dissolution, election contest, mandamus, to enforce equitable mechanics liens, suits for partition, prohibition, suits to quiet title, receivership, special tax, specific performance, quo warranto, certiorari (except certiorari proceedings filed under the unlawful detainer statutes), foreclosure, declaration of motor vehicle ownership, expungement of criminal records, administrative reviews on a record made

before an agency, petitions for condemnation and any other suit cognizable in equity.

Civil pretrial motions for cases pending in Division 1 shall be heard and determined in the civil motion/equity divisions pursuant to Rule 33.7.

#### **6.2.4 Complex Cases**

Whenever there are three or more actions pending in this Circuit involving claims of personal injury by multiple plaintiffs against the same defendants or groups of defendants, arising out of exposure to a product or substance or workplace hazard, or arising out of a common catastrophic event, the Presiding Judge may reassign such cases to a single general division if the Presiding Judge determines that the administration of justice would be served by such reassignment.

#### **6.2.5 Family Court**

Family Court cases shall be assigned to circuit judges as provided in Rule 100.8.1.

### **6.3 Certification to a Circuit Division**

In the event any party to a contested case pending in Division 27, 28 or 29 amends its pleadings in such a manner as to remove the case from the jurisdiction of associate circuit judges, the case shall be transferred to Division No. 1 for further proceedings or reassignment. The additional cost deposit required, if any, shall be paid by the party exercising the privilege of such amendment.

### **6.4 Trial De Novo**

Trials de novo of civil cases heard and determined by associate circuit judges not on a record shall be assigned by the Circuit Clerk to Division 29. All trials de novo from cases heard in the Municipal Division of the Circuit Court shall be assigned by the Circuit Clerk to Division 24.

## **Rule 6.5 Disqualification**

### **6.5.1 Disqualification of Presiding Judge**

If the Presiding Judge is disqualified, the case shall be assigned to the Assistant Presiding Judge, or the Presiding Judge may request that the Supreme Court transfer a judge.

### **6.5.2 General Division Judge**

Whenever a judge in a general division is disqualified or recused in a civil case, the case shall be returned to Division 1 for random reassignment to another available judge. Whenever a judge in a general division is disqualified or recused in a criminal case, the case shall be returned to Division 1 for random reassignment to another available judge.

### **6.5.3 Non-General Division Judge**

If a judge in the probate division, a motion/non-jury division, the family court or an associate circuit division is disqualified, the disqualified judge shall notify the Presiding judge who shall assign the case to another judge.

## **6.6 Absence of Judge**

If one of the Judges is excused from presiding in his Division, the Presiding Judge of the Circuit Court may designate any other Judge to preside in his place; provided that a Circuit Judge shall not be assigned to preside in an Associate Circuit Judge Division without his consent.

## **6.7 Absence of Presiding Judge**

See Rule 100.1.1 on Assistant Presiding Judge.

## **6.8 Assignment of Courtrooms**

6.8.1. Each of the twenty circuit judges with the greatest seniority as circuit judges shall select one of the jury trial courtrooms of the court to be his or her permanently assigned courtroom. Judges without permanently assigned courtrooms shall be assigned to courtrooms by the Presiding Judge.

When a circuit judge with a permanent courtroom leaves office or moves to another permanent courtroom, the presiding judge shall assign the vacated courtroom to the next most senior judge requesting the courtroom. The following courtrooms may not be selected as permanently assigned courtrooms: Courtrooms 1, 15, and 30. Following selection of permanently assigned courtrooms, no judge having such a permanent assignment shall change his or her assigned courtroom, except by specific direction of the Presiding Judge.

6.8.2. When circuit judges with permanently assigned courtrooms are serving as Presiding Judge, or family court judges, their permanently assigned courtrooms shall be assigned temporarily by the Presiding Judge to circuit judges with no permanently assigned courtrooms until such time as the permanently assigned judge returns to the courtroom.

#### **6.9. Special Assignments of Judges**

The assignment of associate circuit judges and the designation of circuit judges who will sit as motion/non-jury, and family court judges during the next calendar year shall be designated on or before November 1st of each calendar year. The designation shall be made by the Presiding Judge Elect for the first year of his/her term as Presiding Judge and the designation shall be by the Presiding Judge for the second year of his/her term. The designation of assignments of associate circuit judges shall be made following consultation with the associate circuit judges.

#### **6.10 Assignment of Newly Appointed Judge**

Whenever any Judge shall be appointed to the Circuit Court he shall be assigned by the Presiding Judge of the Circuit Court.

#### **6.11 Temporary Assignment of Judges**

The Presiding Judge may, from time to time, pursuant to law, as he deems necessary for the efficient operation of the Court temporarily assign a Circuit or Associate Circuit Judge to sit in any division of the Circuit or to hear and determine any cause or matter within the jurisdiction of the Court, provided



a Circuit Judge shall not be assigned to a division presided over by an Associate Circuit Judge.

## **6.12 Duty Judges**

### **6.12.1 Roster**

The Presiding Judge shall from time to time establish a roster of duty judges, which roster shall distribute equally the burden of serving among all of the circuit judges and associate circuit judges of the Court.

### **6.12.2 Responsibility of Duty Judge**

The duty judge shall be responsible for receiving and considering petitions for orders of protection and complaints initiating criminal cases and for setting conditions of release during those times when the office of the Circuit Clerk is closed.

## **RULE 7 WITHDRAWALS OF PAPERS FROM CLERK'S OFFICE**

### **7.1 When Allowed**

The Clerk of the Court shall not permit the court files or parts thereof to be withdrawn by attorneys except such clerk may, by leave of the Court in writing, for a specified time, permit the withdrawal of papers, documents, depositions, and exhibits on the giving of a written receipt. The jacket, wrapper or folder of a file, containing the Court's minute entries, shall not under any circumstances be withdrawn either by leave of Court or otherwise. Any part of a file withdrawn as provided for in this Rule, shall be returned within the time fixed by the Court, and the receipt given therefor shall so specify. Depositions may not be withdrawn for more than five days.

### **7.2 Duplicating Policy**

Requests for copies of court records concerning civil causes should be directed to the Copy Department on the 1st floor mezzanine in the Civil Courts Building. Requests for copies of court records concerning criminal cases should be directed

to the Circuit Clerk's Office on the 2<sup>nd</sup> floor in the Carnahan Courthouse.

No charge shall be made for copies of documents furnished to any city, county, state agency or state department. Parties will be charged the rate as specified below for all other documents requested:

- a. Certified
  - 1. first page \$3.50
  - 2. additional pages:
    - by photocopy .50
    - typed from record 1.00
  
- b. Authenticated:
  - 1. first page \$4.00
  - 2. additional pages
    - by photocopy .50
    - typed from record 1.00
  
- c. Photocopy \$ .30
  
- d. Copy from Microfilm
  - 1. per page \$5.00

**RULE 8 PUBLICATION OF DOCKETS**

**8.1 Trial Docket**

See Rule 36.

**8.2 Dismissal Docket**

See Rule 37.

**RULE 9 COURTROOMS**

**9.1 Assignment of Courtroom**

See Local Rule 6.8.

**9.2 Place of Hearing**

No Local Rule.

### **9.3 Use of Counsel Table**

The side of the counsel table nearest to the jury shall be occupied by the plaintiff's attorney. The side of the counsel table farthest from the jury shall be occupied by the defendant's attorney.

### **9.4 Courtroom Decorum and Dress**

When examining a witness, counsel shall stand or sit at the counsel table, but when addressing the Judge they shall stand at the counsel table.

### **9.5 Who is Permitted Within Bar**

No Local Rule.

## **RULE 10 COURT REPORTERS AND COMPENSATION OF SAME**

### **10.1 Court Reporters for Substitute Judge**

When a judge is temporarily relieving or substituting for another judge, the official court reporter appointed by the judge relieved or accommodated shall act as reporter for the substitute judge in matters requiring a reporter's services, unless otherwise ordered by the substitute judge.

### **10.2 Swing Court Reporters**

Court reporters shall be relieved by swing reporters on a schedule established by the Presiding Judge.

### **10.3 Identification of Court Reporters in Judges' Docket Sheet**

The clerk of the division wherein a cause is tried, whenever any testimony is heard, shall place in the judge's docket sheet the full name of the reporter taking same. The clerk of the court shall be responsible for insuring this identification of the court reporter appears in the appropriate judge's docket sheet.

### **10.4 Deposits for Transcript**

Preparation of any transcript on appeal by an official court reporter shall not begin until the person ordering such transcript makes a cash deposit with the reporter of such amount as the reporter reasonably estimates such transcript will cost. In the event any cash deposit exceeds the cost of the transcript ordered, the excess shall be refunded to the person who ordered the transcript upon its completion. In the event the deposit is insufficient to pay for a transcript, the remaining unpaid portion of the cost shall be due upon the delivery of the transcript to the person who ordered it prepared. Payment will be made to the reporter who prepared it. Preparation of a typewritten transcript of a record preserved by electronic recording device shall not begin until the clerk is paid a sum sufficient to cover the estimated cost of this work. The estimated charge will vary depending upon how the typewritten copy is to be prepared.

If the appellant desires the Circuit Court to forward the material to the office of State Courts Administrator for transcribing, the estimated cost will be based on the rates authorized for transcripts prepared by an official Court Reporter. If the appellant desires to make arrangements for his own typist to prepare the transcript, the deposit required will be based on the estimated cost of having clerk personnel supervise the copying of the tape which was used to electronically record the proceedings. It is the responsibility of the appellant to pay this amount upon being presented with a bill by the Circuit Clerk.

## **RULE 11 RECORDING OF JUDICIAL PROCEEDINGS**

All persons except those authorized by the Court to preserve the record shall refrain from broadcasting, televising, recording or taking photographs in the courtrooms.

**RULE 12 MONIES PAID INTO COURT**

**12.1 Bond in Civil Case**

No Local Rule

**12.2 Court Custody of Money and Reports**

Money or property deposited into the Circuit Court in any pending cause, excepting fees and costs, when received by the Clerk shall be separated, packaged and labeled with the style of the cause. If deposited in any bank, the same shall be evidenced by certificate of deposits showing in what cause the money was deposited.

**12.3 Withdrawal of Money and Property**

No money or property deposited into the Circuit Court shall be withdrawn except on an order signed by a judge of the Court.

**12.4 Accounting for Money and Property**

When required by the judge presiding in any division of the Circuit Court, the clerk of the court shall exhibit to such judge an account of all money and property received in every cause pending in that division, with vouchers showing what disposition has been made of such money or property.

**12.5 Payment by Credit Card**

The payment of court costs, fees, fines, child support and restitution may be made to the circuit clerk by credit card. Any credit card payment must be in excess of \$1.00. The circuit clerk will accept Mastercard, Visa and Discover cards.

**RULE 13 COMMUNICATIONS WITH COURT**

**13.1 Oral Communications with the Court**

No Local Rule

**13.2 Written Communications with the Court**

An attorney or party who sends a written communication to the Court concerning a pending cause shall send a copy to the opposing counsel.

#### **RULE 14 SPECIAL PROCESS SERVERS**

1. Any person appointed by the Court or the Circuit Clerk to serve process must have a license issued pursuant to this rule to serve process.
2. Licenses to serve process shall be issued by the Sheriff of the City of St. Louis if the applicant has met the following qualifications:
  - a. Is twenty-one years of age or older;
  - b. Has a high school diploma or an equivalent level of education;
  - c. Has insurance coverage for any errors or omissions occurring in the service of process;
  - d. Has not been convicted, pleaded guilty to or been found guilty of any felony, or of any misdemeanor involving moral turpitude; and,
  - e. Has passed a training course for the service of process which shall be administered by the Sheriff of the City of St. Louis.
3. Each applicant for a process server license under the provisions of this rule shall provide an affidavit setting forth such person's legal name, current address, any other occupations and current telephone numbers. Licensed process servers shall immediately notify the Sheriff of the City of St. Louis of any change in the above information, and the failure to do so shall constitute good cause for the revocation of such person's license.
4. The Sheriff of the City of St. Louis shall maintain a list of persons licensed to serve process pursuant to this rule, and shall make such list available to litigants upon request.

5. A photo identification card designed by the Sheriff of the City of St. Louis shall be issued in addition to the license. No other identification will be allowed. All licenses must be signed and approved by the Sheriff of the City of St. Louis and the Presiding Judge or his designee.
6. A license fee recommended by the Sheriff and approved by the Court En Banc shall be charged to cover the costs of compiling and maintaining the list of process servers and for the training of such process servers. The license fees shall be made payable to the Sheriff of the City of St. Louis.
7. A license for service of process issued under this rule may be revoked by the Sheriff with the approval of the Presiding Judge or his designee, for any of the following reasons:
  - a. Misrepresentation of duty or authority;
  - b. Conviction, guilty plea or finding of guilty of any state or federal felony, or a misdemeanor involving moral turpitude;
  - c. Improper use of the license;
  - d. Making a false return; or
  - e. Any other good cause.

Provided, no service of process made by an appointed process server with a revoked license shall be void if the Court or Circuit Clerk made the appointment in good faith without knowledge of the license revocation.

8. Any person authorized to serve process may carry a concealed firearm as allowed by Section 506.145, RSMo, only while actually engaged in the service of process and only if the person has passed a firearms qualification test approved by a law enforcement agency; provided, however, that any licensed special process server may file a written waiver of the right to carry a concealed firearm and thereby avoid the requirements of firearm training and testing. Any violation of this section shall be

considered beyond the scope of the privilege to carry a concealed weapon that is granted by the appointment, and shall constitute good cause for the revocation of the license.

9. Applications for the appointment of a special process server shall be made on forms available in the offices of the Sheriff and Circuit Clerk. Orders Appointing special process servers may list more than one licensed server as alternatives.
10. The licenses granted pursuant to this rule shall be good for two years. Each person granted a license shall be required to reapply at the expiration of the license and shall be required to provide all the information required in the initial application, including a current police record check.

## **GENERAL RULES**

### **RULE 21 ATTORNEYS**

#### **21.1 Resolution of Conflicting Trial Settings**

Conflicting trial settings shall, in the first instance, be resolved by the judges presiding over the cases with conflicting settings. If those judges are unable to resolve the conflict, the conflict shall be resolved by the Presiding Judge. In general, the following guidelines shall be employed to resolve conflicts:

- A. Cases pending before circuit judges take precedence over cases pending before associate circuit judges.
- B. Criminal cases take precedence over civil cases except where said civil case settings are the subject of an agreed upon and court approved scheduling order.
- C. Older civil cases take priority over newer civil cases except that cases with agreed upon and court approved scheduling orders take priority over cases without such orders. If there is a conflict between cases with scheduling orders, the case with the older scheduling



order shall have priority.

D. Criminal cases in general shall be given priority as follows:

1. Cases that are the subject of an agreed upon and court approved scheduling order.
2. Speedy trial cases.
3. Cases involving out of town witnesses.
4. Cases where the defendant was arraigned more than one year ago, whether or not the defendant is confined.
5. Cases where the defendant is confined.
6. Cases where the defendant is not confined.
7. Within the above categories, criminal cases involving child victims or witnesses take priority over cases not involving child victims or witnesses;
8. Within the above categories, older cases take precedence over newer cases.

## **21.2 Entries of Appearance**

As soon as possible after employment, attorneys must enter their appearance by filing a memorandum with the Clerk.

## **21.3 Conduct of Attorneys**

No Local Rule

## **21.4 Withdrawal of Attorneys**

### **21.4.1 When a matter is completed.**

By leave of Court, an attorney may withdraw from a case when a matter is completed, upon filing a withdrawal memorandum demonstrating that there are no pending claims or issues in the matter.

### **21.4.2 When a matter is not completed.**

By leave of Court, an attorney may withdraw from a case when a matter has not been completed, upon the filing of a motion showing compliance with Supreme Court Rule 4-1.16. In

addition, if substitute counsel has not entered counsel's appearance, the following procedures shall be observed: a) if the case is then set for trial, the reason for the request shall be set forth in the motion; b) the motion and notice of the hearing on the motion shall be served upon all parties, including the client from whose employment the attorney is seeking to withdraw; c) if a criminal case, the notice shall instruct the client that the client must appear in person at the hearing; the last known address of the client shall be plainly set out in the motion or notice; d) the attorney seeking leave to withdraw shall appear in open court and call up the motion in open court at the time specified in the motion; e) if a criminal case, it shall be the duty of the client to appear in compliance with the notice; and f) if the client fails to appear and the attorney is granted leave to withdraw, the attorney shall immediately notify his former client by letter of the withdrawal, of any scheduled court proceedings, and of any pleading deadlines, and the attorney shall file a copy of that letter with the clerk

#### **21.4.3 When the attorney has entered a limited appearance.**

When an attorney has filed an entry of limited appearance, the attorney may withdraw by filing a "Termination of Limited Appearance" demonstrating that the attorney has completed the duties set out in the entry of limited appearance.

#### **21.4.4 Municipal Division**

See Rule 69.10.

#### **21.5 Failure of Attorneys to Answer Docket**

No Local Rule.

#### **21.6 Appointment of Attorneys**

No Local Rule

#### **21.7 Agreement of Attorneys**

No agreement, understanding or stipulation of the parties or their attorneys concerning any pending cause, or any matter of proceeding therein, will be recognized or enforced by the Circuit Court unless made in writing and filed in the cause or made in open court.

#### **21.8 Advice to Clients and Witnesses of Court Procedure**

When the rule as to exclusion of witnesses is invoked, each attorney is charged with the duty of seeing that the witnesses comply with that rule. If any witness violates the rule, whether willfully or otherwise, such witness shall not be permitted to testify, except by consent of opposing counsel or unless the court, in its own discretion, rules that justice requires such testimony be received, under all the circumstances to be considered.

#### **RULE 22 APPOINTMENT OF GUARDIAN AD LITEM**

Guardians ad litem shall be appointed to represent persons affected by proceedings whenever necessary.

Appointment of guardians ad litem for the representation of children shall be in accordance with the standards for guardians ad litem approved by the Missouri Supreme Court.

#### **RULE 23 TRANSCRIPTS**

No Local Rule

#### **RULE 24 EXHIBITS**

The attorney is responsible for all exhibits before, during and after trial. Exhibits should be marked for identification prior to trial.

#### **RULE 25 ENTRIES OF APPEARANCE (PARTY)**

Except in causes where service is acknowledged on the writ, all entries of appearance by a party without counsel to a cause must be verified before a person authorized by law to administer oaths.

**RULE 26 MEMORANDUM IN SUPPORT OF COURT ORDER**

When an order is granted by the Circuit Court on any proceedings had, the party shall prepare and hand to the courtroom clerk a memorandum in support thereof for approval by the Judge. Until this is done no record entry of such order shall be required to be made.

**RULE 27 ERROR IN PUBLICATION IN ST. LOUIS DAILY RECORD**

Whenever it shall be shown in any cause pending in the Circuit Court that the St. Louis Daily Record has failed to publish, or has incorrectly published, the setting of any cause on a trial docket, the filing of any pleading or motion, or the entering of any order of judgment, and that any party to said cause has relied upon such failure to publish or such incorrect publication, and has thereby been prejudiced, then in determining in any proceeding therein whether or not such party or his attorney was negligent in not taking notice of the correct entry, the Court shall consider such error.

**RULE 28 USE OF JUDGES' SIGNATURE STAMPS**

Clerks and other court personnel may use a judge's or commissioner's signature stamp only in accordance with the written instruction of the judge or commissioner whose stamp is being used, which instructions shall be submitted to the presiding judge.

**PRE-TRIAL MATTERS**

**RULE 31 CASE MANAGEMENT - DIVISION 1**

**31.1 Tracks**

All cases assigned to general divisions shall be designated as Track 1, Track 2, or Track 3.

**31.2 Designation Upon Filing**

The circuit clerk shall designate a track upon the filing of each

case assigned to the general divisions. The track assigned shall be Track 1, unless the case is a products liability, professional malpractice, Federal Employers' Liability Act, Jones Act, or wrongful death case, in which event it will be designated as "Track 2."

### **31.3 Redesignation**

The Judge before whom a case is pending may, *sua sponte*, or on motion of a party, redesignate a Track 1 case as a Track 2 case or, if the case is complex, as a Track 3 case, and the judge may redesignate a Track 2 case as a Track 1 case or, if the case is complex, as a Track 3 case. A case cannot be redesignated as a Track 3 case on motion of a party unless the party has submitted a proposed scheduling order.

### **31.4 Track 1 Cases**

Track 1 cases shall be ready for trial 180 days from the date of filing. This time limit is extended by 60 days if the case is referred for mediation pursuant to Rule 38.4 and if the parties do not opt out of mediation.

### **31.5 Track 2 Cases**

Track 2 cases shall be ready for trial 370 days from the date of filing. This time limit is extended by 60 days if the case is referred for mediation pursuant to Rule 38.4 and if the parties do not opt out of mediation.

### **31.6 Track 3 Deadlines**

Track 3 case deadlines are established on a case by case basis.

### **31.7 Standard Discovery**

Plaintiffs should obtain relevant medical records and signed authorizations prior to filing suit. The documents shall be made available for inspection and copying by counsel for defendant (at defendant's cost) within five (5) days of defense counsel's entry of appearance. Plaintiffs shall serve pattern interrogatories approved pursuant to Local Rule 32.2.2 with the petition. Defendant shall serve answers within the time prescribed by the Rules of Civil Procedure. Defendants shall make documents

available for inspection and copying by counsel for plaintiff (at plaintiff's cost) within five (5) days of the filing of the answer. Defendant shall serve the pattern interrogatories approved by the Court pursuant to Local Rule 32.2.2 at the time of defense counsel's entry of appearance. Plaintiff shall serve answers within the time prescribed by the Rules of Civil Procedure.

### **31.8 Docket Management**

The primary responsibility for case management shall rest with the judge before whom a case is pending. The judge shall establish whatever procedures are deemed necessary to achieve compliance with Supreme Court Operating Rule 17. No provisions herein shall be construed as a limitation upon the exercise of discretion on the part of the judge before whom a case is pending to advance cases on the trial docket, to grant special settings where required for good cause, or otherwise manage the docket.

## **RULE 32 DISCOVERY**

### **32.1 Use of Discovery and Certification to Circuit Division**

See Rule 6.3

### **32.2 Interrogatories**

Any party propounding interrogatories in medical negligence, FEELA, auto accident, and slip and fall cases shall use pattern interrogatories approved by the Court. No objections to the pattern interrogatories will be entertained by the Court.

After receiving answers to the pattern interrogatories, any party that requires further information may propound up to five (5) additional interrogatories without leave of Court.

If further information is required after these interrogatories have been answered, additional interrogatories may be propounded only after the party desiring additional information obtains leave of Court. Any interrogatories that are propounded in addition to the pattern interrogatories may be objected to as appropriate.

Pattern interrogatories in Family Court matters are governed by Rule 68.9.

### **32.3 Depositions**

No Local Rule

### **32.4 Motion for Sanctions**

A party seeking an order of Court imposing sanctions to enforce discovery shall file and serve upon the non-complying party or his attorney a Motion for Sanctions together with a notice of hearing and a certification pursuant to Rule 33.5. At the time specified for said hearing, the attorney for the movant shall prepare and present to court a proposed order setting forth the particular discovery sought, a time within which compliance with the order must be completed and the sanction or sanctions to be imposed for non-compliance. If the party against whom the sanctions are ordered is present in court, in person or by attorney, the order will be effective on the

date specified therein. If not, the order will be effective on said date or upon the date of filing of proof of service of a copy of said order by a certified mail receipt or an affidavit of service, whichever is later.

### **32.5 Criminal Discovery**

No Local Rule

### **32.6 Motions Related to Discovery**

1. Material texts must be sent out together. Motions concerning matters arising in the course of discovery pursuant to any Supreme Court Rule shall separately set out in full each question together with any response, objection or other matter material thereto, so that the Court may consider and rule on each question without referring to any other matter in the Court file.

2. The Court may on its own motion and without extending the times provided by the Supreme Court Rules deny any motion which fails to comply with this rule, and on motion of any opposing party the Court may similarly deny the motion and make further order authorized by Supreme Court Rule.

### **Rule 32.7 Standard Medical Authorization**

Parties seeking medical records shall use the standard medical authorization approved by the Court. The parties may, by consent, agree to use any other form for the purpose of obtaining medical records, or to use only portions of the standard authorization. No objections to the standard medical authorization will be entertained by the Court.

### **Rule 32.8 Business Records**

Parties serving business records prior to trial on other parties pursuant to Section 490.692.2 RSMo, shall file with the court a certificate of service. Copies of the business records and the accompanying affidavit shall not be filed with the court except upon court order.



## **RULE 33 PRE-TRIAL MOTIONS**

### **33.1 Hearing Dates**

No Local Rule.

### **33.2 Briefs in Support of Motions, When Required**

The Court may request briefs as it deems advisable.

### **33.3 Oral Arguments - When Desired and How Requested**

Oral arguments upon motions on any motion docket shall in no case exceed fifteen minutes for each side, unless the Court, for good cause shown, on application made before the commencement of argument, shall otherwise order.

### **33.4 Motions in Limine**

See Rule 33.7.1

### **33.5 Certificate of Attempt to Resolve**

The Court will not hear oral argument nor take under submission any motion for more definite statement, objections to interrogatories or the answers thereto, objections to requests for admissions or the replies thereto, objections to motions to produce, or motions for sanctions to enforce discovery, unless there is filed with the Court, together with the notice of hearing, a certification signed by the attorney for the party calling for the hearing which states that the attorney has attempted to discuss the matter with opposing counsel in good faith effort to resolve the disputed issues.

### **33.6 Motions to Consolidate**

A party desiring the consolidation of civil actions or of one or more matters at issue in a civil action shall file a motion in the case first filed. All motions to consolidate shall be heard in Division 1 when the cases are pending in more than one division. Motions to consolidate two or more cases that are pending in the same division shall be heard and decided by the judge in that division. Following consolidation, all documents pertaining to the consolidated

civil actions or the consolidated matters shall be filed in the first filed case.

### **33.7 Pre-Trial Motions, Where Heard**

#### **33.7.1 Division 1 Cases**

Motions for continuance, scheduling orders, and peremptory settings in cases pending in Division 1 shall be heard and determined in Division 1. Motions in limine in cases pending in Division 1 shall be heard and determined in the division assigned for trial following assignment of the case for trial. All other pretrial motions in cases pending in Division 1 shall be heard and determined in a motion/equity division determined by administrative order of the presiding judge.

#### **33.7.2 Other Civil Pre-trial Motions**

All other pre-trial motions shall be heard in the division in which the case is pending, except that if the judge in the division in which the case is pending is unavailable, a motion may be heard and determined in Division 1.

#### **33.7.3 Motions for Continuance, Felony Cases**

Motions for continuance in felony cases shall be heard in the assigned circuit division.

#### **33.7.4 Other Criminal Pre-trial Motions**

Motions in misdemeanor cases shall be heard and determined in the division in which the case is pending. Motions in felony cases prior to arraignment shall be heard and determined in Division 25 or 26 as provided in Rule 6.1.1.3. Motions in felony cases following arraignment shall be heard and determined in the divisions in which the cases are pending. All motions in limine shall be heard and determined in the division to which the case has been assigned for trial.

## **RULE 34 CONTINUANCES**

See Rule 33.7.

**RULE 35 PRE-TRIAL CONFERENCE**

No Local Rule

**RULE 36 SETTING CASES FOR TRIAL**

**36.1 Request for Trial (Civil Jury)**

No Local Rule.

**36.2 Date of Calendar Call (Civil Jury)**

No Local Rule

**36.3 Preparation of Calendar (Civil Jury)**

The presiding judge shall have charge of the civil trial calendar and shall establish, from time to time, such procedures as the judge deems appropriate, subject to Rule 67.10.2, which procedures shall be published on the court's website.

**36.4 Transfer of Cases**

No local rule

**36.5 Removal and Inactive Calendar (Civil Jury)**

No Local Rule.

**36.6 Revision of and Removal from Prepared Calendar (Civil Jury)**

No local rule

**36.7 Special Assignments (Civil Jury)**

No local rule

**36.8 Presiding Judge, Construction**

Whenever reference is made in Rule 36 to Presiding Judge, the same shall be construed to include any judge presiding in Division No. 1 by assignment or request of the

Presiding Judge of the Circuit Court.

## **36.9 Domestic Relations Calendar**

### **36.9.1 Calendars**

The Clerks of Divisions No. 14 and 15 shall provide and keep an appropriate record, either by card index or otherwise, which shall be denominated as the "General Domestic Relations Calendar," and shall cause to be entered thereon alphabetically all of the causes which shall by virtue of these Rules be assigned to Divisions No. 14 and 15 and said causes shall be numbered in the order in which they are filed with the Clerk. All preliminary motions shall be disposed of in Division No. 15.

### **36.9.2 Trial Calendars**

The Clerks of Divisions No. 14 and 15 shall arrange settings on their respective trial calendars and enter thereon all causes in which trials shall be requested, or as ordered, by the Judge presiding therein, and cause shall be tried, so far as possible, in the order in which they appear in the trial calendar. An attorney requesting a trial setting in a domestic relations cause must give notice of such setting to opposing parties not in default within 5 days after setting the cause for trial unless a different period is fixed by the Court.

### **36.9.3 Default Calendar**

The default calendar in Division No. 14 shall be set for hearing as directed by the Judge presiding therein.

## **36.10 Criminal**

See Rule 67.10

## **RULE 37 DISMISSALS**

### **37.1 Dismissal Docket**

### **37.1.1 Civil Jury Docket**

The Presiding Judge shall, whenever the judge deems it advisable, upon not less than ten days' notice published in the St. Louis Daily Record, call such of the causes then pending in the judge's division as the judge shall select. Upon such call, any cause shall, in the discretion of the judge, be continued or dismissed, and the failure of the plaintiff to respond in person, or by attorney, at the call of such docket, as herein provided, shall be deemed and taken as grounds for dismissal of the cause or appeal for failure to prosecute.

### **37.1.2 Motion/Non-Jury Divisions**

The Judges in the motion/non-jury divisions shall not less than every six months cause to be prepared a dismissal docket on which shall be set all cases in which no docket entries have been entered within the past year.

### **37.1.3 Domestic Relations**

The Judges in Divisions 14 and 15 shall not less than every six months cause to be prepared a dismissal docket on which shall be set all cases in which no docket entries have been entered within the past six months.

### **37.1.4 Chapter 517**

The Judges in Divisions 27 and 28 shall not less than every six months cause to be prepared a dismissal docket on which shall be set all cases in which the plaintiff has failed to prosecute his action to judgment within two years after its institution.

## **37.2 Reinstatement of Cause**

Notice of the filing of each application or motion for the reinstatement of a dismissed cause shall, before the filing of same, be served by counsel upon the opposing party of his counsel of record, and proof of such service shall be filed with such application or motion.

### **38.1 Establishment of Program**

Pursuant to Supreme Court Rule 17, the Court adopts an alternative dispute resolution program. The program applies to all cases assigned to Division 1.

### **38.2 Mediation**

The alternative dispute resolution program adopted is mediation.

### **38.3 Notice of Dispute Resolution Program and Services**

a) In all cases to which this rule applies, the Clerk shall provide a notice to the plaintiff or plaintiffs initiating the action at the time the action is filed. All defendants shall be provided the notice along with the summons and petition. The plaintiff or plaintiffs shall be responsible for ensuring that the notice is provided to the defendants.

b) The notice shall advise the parties of the availability and purposes of the Court's alternative dispute resolution services, shall describe the program, shall inform the parties that the names of mediators qualified under this rule and a description of their background and fees may be obtained from the Clerk, and shall notify the parties that an order of referral may be entered sixty days after the filing of the petition.

### **38.4 Order of Referral**

The judge before whom the case is pending may enter an order of referral at such time as the judge deems appropriate. The order of referral shall appoint a qualified mediator from the list maintained pursuant to Rule 38.13, and shall notify the parties of their rights under Rule 38.5

### **38.5 Response to Order of Referral**

Not later than thirty days after entry of the order of referral, counsel for any party, shall respond as follows:

- (1) After conferring with their respective clients, all other attorneys, and all unrepresented parties, and after concluding that referral to alternative dispute resolution has no reasonable chance of being productive, counsel may opt out by so advising the Court, in writing. The notice to the Court shall state why the party is opting out. The matter shall not thereafter be referred by the court to alternative dispute resolution absent compelling circumstances, which shall be set out by the court in any order referring the matter to alternative dispute resolution.
- (2) With the agreement of the other parties, select a different mediator, and notify the Court in writing of that decision.
- (3) With the agreement of the other parties, choose to participate in an alternative dispute resolution program different than mediation under this rule.

### **38.6 Accommodation of Mediation**

The Court may grant the parties such accommodations and preferences and enter such orders with regard to scheduling, discovery, and other matters as the Court deems appropriate to facilitate the mediation. The Court may also grant any trial calendar continuances as it deems necessary to facilitate the mediation.

### **38.7 Time and Location**

If the parties and mediator cannot agree upon the time and location of the mediation, the time and location shall be determined by the mediator with consideration given to the need for discovery, if any, and the convenience of the parties and counsel. In no event shall the scheduling of mediation affect a trial date absent the express, written authorization of the Presiding Judge.

### **38.8 Attendance**

Unless the Court orders otherwise, all parties (or party representatives with authority to resolve the case) and all other persons necessary to negotiate a resolution, including insurance carriers, shall attend the mediation.

### **38.9 Information Statement**

At least three days prior to the mediation, each party shall provide the mediator and all other parties an information statement setting forth: (i) the identity of each person expected to attend the mediation on behalf of the party, and (ii) a brief summary of the dispute and the party's claims, defenses and alleged damages as the case may be. Upon application of any party or otherwise, the mediator may direct that each party not deliver the information statement to the other parties. The information statement shall not exceed five pages and shall not be filed in the case or made a part of the Court file.

### **38.10 Confidentiality**

The mediation shall be private and confidential as provided in Supreme Court Rule 17.06. No stenographic, electronic or other record of the mediation shall be made.

### **38.11 Compensation of Mediators**

Unless otherwise ordered by the Court or unless the services are provided pro bono, the mediator shall receive such compensation as the parties and the mediator agree. The Court reserves the right to review the reasonableness of fees charged by the mediator. The fee for the mediation shall be borne equally by the parties, unless otherwise agreed by the parties, and shall be paid directly to the mediator.

### **38.12 Qualifications of Mediators**

To qualify as a mediator, the mediator shall meet with the requirements of Supreme Court Rule 17.04.

### **38.13 List of Mediators**

The Clerk and the Presiding Judge shall maintain in Division 1 and make available to counsel, parties, and the public the list of mediators qualified and compiled by the Presiding Judge under this rule. The listing for each qualified mediator shall include such information on the mediator's training, experience, and qualifications. Mediators shall



advise the Missouri Bar of any material change concerning their listing. The Court en banc may remove any mediator from the list of mediators in its sole discretion, with or without cause. Any mediator may withdraw from the list of mediators by notifying the Presiding Judge in writing.

#### **38.14 Disqualification and Withdrawal of Mediators**

No person shall serve as a mediator in any action in which any of the circumstances set forth in Section 508.090.1, RSMo exist or may in good faith be believed to exist or under any other circumstances which reasonably call into question the mediator's impartiality. A mediator may withdraw for any reason set forth in this rule or for any other reason. If a party to a mediation believes that a mediator should be removed or the mediator refuses to remove himself, the party may file a motion with the court asking for the removal of the mediator. A mediator who is disqualified or who withdraws shall not be entitled to any compensation.

#### **38.15 Results of Mediation**

The results of the mediation shall not be reported to the Court, except as provided in Supreme Court Rule 17.05.

#### **38.16 Alternatives to Mediation**

Nothing in this rule shall prevent the Court from ordering the use of alternative dispute resolution means other than mediation, including but not limited to arbitration, early neutral evaluation, mini-trial, and summary jury trial.

**NOTICE OF MEDIATION PROGRAM AND SERVICES**  
ALTERNATIVE DISPUTE RESOLUTION PROGRAM  
CIRCUIT COURT OF THE CITY OF ST. LOUIS, MISSOURI  
Twenty-Second Judicial Circuit

Cause No:

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(To be completed by Clerk)

Pursuant to Missouri Supreme Court Rule 17, the Circuit Court of the City of St. Louis, Missouri (Twenty-Second Judicial Circuit) has adopted a local rule to alternative dispute resolution. The purpose of the rule and the program of early dispute resolution it establishes is to foster timely, economical, fair and voluntary settlements of lawsuits without delaying or interfering with a party's right to resolve a lawsuit by trial.

This program applies to your case.

The program encourages the early resolution of disputes through mediation. Mediation is an informal non-binding alternative dispute resolution process in which a trained mediator facilitates discussions and negotiations among the parties to help them resolve their dispute. The mediator is impartial and has no authority to render a decision or impose a resolution on the parties. During the course of the mediation, the mediator may meet with the parties together and separately to discuss the dispute, to explore the parties' interests, and to stimulate ideas for resolution of the dispute.

An order of referral may be entered 60 days after this lawsuit was filed. The order will appoint a mediator to mediate this case. If you do not wish to have your case mediated, or if you wish to mediate your case but you have agreed with the other parties on a different mediator, or if you wish to avail yourself of a different alternative dispute resolution program, you may so notify the Court in writing within 30 days of the order of referral. A list of mediators approved by the Court and information regarding their qualifications is kept by the Presiding Judge's courtroom clerk in the Division #1 courtroom.

The full text of the Circuit Court's Alternative Dispute Resolution rule governing the conduct of the mediation is available

from the Clerk of the Circuit Court. A copy of this Notice is to be provided by the Clerk of the Circuit court to each of the parties initiating the suit at the time it is filed, and a copy is to be served on each other party in the suit with the summons and petition served on that party.

**November 20, 2000**

**SETTLEMENT AND DEFAULT**

**RULE 41 SETTLEMENT**

**41.1 Notice of Settlement**

The Court and the clerk shall be notified promptly if a case is settled after it has been set for trial.

**RULE 42 DEFAULT**

See Rule 2.4.1.

**TRIALS**

**RULE 51 COURT-TRIED CASES**

**51.1 Default and Uncontested Matters**

No Local Rule.

**51.2 Contested Matters**

No Local Rule.

**51.3 Preparation of Findings of Fact and Conclusions of Law**

In all court-tried cases in which findings of fact and conclusions of law are required or properly requested, the parties, through their attorneys, shall submit written proposed findings of fact and conclusions of law at the conclusion of the trial or within a reasonable time as directed by the court.

**51.4 Briefs**

Briefs must be filed electronically within the time ordered by the Judge unless the time for delivery is extended by the Judge. Any extensions granted in the deliveries of briefs must be recorded by the clerk. No cause will be considered until the record shows the delivery of final briefs, or until time to submit the same has expired, unless the Judge shall otherwise direct.

## **RULE 52 SELECTION OF JURY**

### **52.1 Jury Questionnaires**

No Local Rules

### **52.2 Juror Anonymity**

Unless otherwise ordered, no counsel or party may view a voir dire list except during voir dire, after the panel has been called in to the courtroom. Counsel and the parties shall return their voir dire lists to the Clerk at the conclusion of voir dire. The Clerk shall thereafter scan the voir dire list and place it in a confidential status such that it may only be reviewed upon court order which shall include the identity of the requesting person. The paper voir dire lists shall then be destroyed.

## **RULE 53 JURY TRIALS**

### **53.1 Instructions**

Proposed jury instructions shall be furnished by counsel for all parties at the conclusion of voir dire, unless otherwise directed by the Court. Each proposed instruction shall contain reference to the appropriate Missouri-approved instruction or other authority relied upon.

### **53.2 Closing Arguments**

In civil causes tried before a jury the plaintiff shall have the privilege of opening and closing the argument. The Plaintiff's opening argument shall be made after all the evidence is in and after the instructions have been read to the jury. Should the plaintiff decline to make the opening

argument, he will be considered as thereby having waived his privilege of closing the argument, and shall not be allowed to do so, but the defendant shall nevertheless have the privilege of making his argument. Before argument of counsel begins the Judge will determine how much time will be allowed each side for argument, each side being allowed the same length of time. The plaintiff may apportion the time allowed him between his opening and closing arguments as he may choose, provided he shall not consume more than half of his time in his closing argument. In those cases in which the Judge decides that the defendant has the affirmative of the issues, he shall have the privilege of opening and closing the argument in like manner and under the same restrictions as above laid down for the plaintiff. By order of the Judge, before argument of counsel begins, the Judge may, in his discretion, change the order of argument as above prescribed in a particular cause. The Judge may, in his discretion, allow the argument in a particular cause to extend beyond the allowed time if the circumstances in the opinion of the Judge render it proper to do so.

Argument of counsel in criminal causes shall be in the order prescribed in Missouri Rule 27.02.

### **53.3 Post-Trial Juror Contact**

No attorney or client, their agents or representatives, shall contact any member of a jury which has heard evidence in any cause in this circuit; provided, however, the court in its discretion may grant permission to attorneys or clients to discuss a case with jurors immediately after the return of a verdict; provided further, the court may also allow contact with jurors if necessary for purposes of a timely after-trial motion filed under Missouri Supreme Court Rules.

## **RULE 54 JUDGMENT ENTRY**

See Rule 68.13 for Entry of Judgment Upon Affidavit in Family Court matters and Rule 68.16 for Offers of Judgment in Family Court matters.

### **54.1 Contested Cases**

Unless otherwise ordered, the attorney for the prevailing party shall prepare and submit the form of judgment entry to the court for its approval.

#### **54.2 Default or Uncontested Cases**

In default or uncontested cases counsel for the prevailing party shall on the day of rendition present to the Court for its approval the judgment or decree to be entered in the cause. The court shall then authorize the clerk to enter judgment as provided therein or as modified by the Court. If a modification is made affecting the substantial rights of the parties, the parties shall be notified forthwith.

#### **54.3 Format**

Judgments as described above shall set forth the following:

- a) a caption, including designation of the court and division thereof rendering the judgment, setting forth the correct and full name of all parties to be bound by said judgment or decree and the cause number;
- b) the title of the judgment, such as "Judgment," "Judgment and Decree," or "Decree;"
- c) the appearances and a brief recital of the proceedings;
- d) the findings of fact and conclusions of law, if appropriate;
- e) the words of adjudication, such as it is Ordered, Adjudged and Decreed or words of like import;
- f) the date of the judgment or decree;
- g) in addition to the requirements enumerated (a to f) above, all civil judgments shall include a section either denying or granting the relief sought, and specifying the relief granted with particularity and contain the designations and names of the parties in whose favor and against whom the judgment runs. Judgments for costs should be specified.

- h) In addition to the requirements enumerated (a to f) above, all judgments in criminal causes where there has been a judgment of acquittal should include a section showing that the defendant has been acquitted. In criminal causes where the defendant has been convicted, the judgment shall include a section showing a judgment of conviction and sentence, briefly stating the offense for which such conviction shall have been had.

## **RULE 55 INTERROGATORIES AND ANSWERS OFFERED AS EVIDENCE**

**1. Interrogatories and Answers set out together.** Any party offering interrogatories and answers as evidence, whether on motion or trial before the court or jury, shall first provide to the Court and the opposing party, a written list which separately sets out in full each interrogatory together with response thereto.

**2. Exception.** The Court for good cause shown may admit into evidence interrogatories and answers which do not comply with subsection 1.

## **RULES RELATING TO PARTICULAR ACTIONS**

### **RULE 61 ADOPTION**

#### **61.1 Filing Requirements**

- 1) Filing requirements at the time of filing the petition, counsel for petitioners shall file:
  - a) Filing fee;
  - b) Affidavit of Account, pursuant to § 453.075 RSMo;
  - c) Certificate of Decree of Adoption;
  - d) Putative Father Registry Check, pursuant to § 192.016 RSMo (if child born out of wedlock or legal father is not birth father).

2) Filing requirements subsequent to filing of petition:

a) Where applicable, counsel for petitioners shall file for each parent:

- 1) Consent to Adoption;
- 2) Service of Summons;
- 3) Service of Publication;
- 4) Termination Order (certified copy if order is from another jurisdiction)
- 5) Certified Copy of Death Certificate.

b) Motion for Default - where applicable;

c) Consent of Child - if child over fourteen years of age;

d) Consent from Agency - where applicable;

e) A written investigation of the suitability of the child for adoption and the suitability of petitioners as parents for said child in accordance with 453.070 RSMo., to be received at Court at least ten (10) days prior to the docket date, or a Court Order waiving such investigation;

f) A full and complete certified birth certificate of person to be adopted;

g) Supplemental Affidavit of Account - filed immediately prior to hearing which reflects all expenses paid by petitioners subsequent to filing original Affidavit of Account; and

h) Proposed Decree of Adoption.

i) A check made payable to the Missouri Department of Health to process and change the birth certificate (if child born in Missouri or foreign country).



## 61.2 Home Study

- 1) Unless waived pursuant to Section 453.070, RSMo, upon the filing of a Petition for Adoption, the Division of Family Services or other agency designated by the Court, shall initiate an investigation of the suitability of the child for adoption and the suitability of petitioners as parents for said child. The clerk shall notify the appropriate agency to conduct such investigation and file a written report thereof.
- 2) Where the home study has been waived, counsel for petitioners shall file:
  - a) Verification of all marriages and divorces of each petitioner or death certificate of any previous spouse;
  - b) Letter from petitioner(s) physician stating that they are in good health and free of any communicable diseases. Also, if there are any other children in the home, a physician's letter regarding the health of each child;
  - c) If the petitioner(s) regularly attend a place of worship, letter from the spiritual leader stating the length of membership. If petitioners do not regularly attend a place of worship, a letter of reference for each petitioner;
  - d) If employed, a letter from the employer of each petitioner stating salary, length of employment and work characteristics; and;
  - e) Completed financial form.

## 61.3

Further Court policies shall be promulgated by the Presiding Judge of the Juvenile Division and shall be made available through the Clerk's Office, Juvenile Division. Petitioner(s) and counsel for petitioner(s) shall comply with said Court policies.

Forms used in adoption proceedings are available through the Clerk's Office, Juvenile Division.

**RULE 62 DRIVERS' CASES**

**62.1 Application for Hardship Driving Privileges**

No Local Rule.

**62.2 Petitions for Review**

No Local Rule.

**62.3 Breathalyzer Test**

No Local Rule.

**RULE 63 ASSOCIATE DIVISION**

No Local Rule.

**RULE 64 CASES ARISING UNDER CHAPTERS 207 AND 208, RSMO, 1978  
(COMMONLY KNOWN AS TITLE IV-D AND H.B. 601 ACTIONS)**

See Rule 6.1.1.2.

**RULE 65 CIVIL COMMITMENT**

The Judge presiding in the Probate Division shall establish such procedures from time to time consistent with these rules to implement the provisions of Sections 630, 631 and 632 RSMo. regarding civil commitment hearings and electroconvulsive therapy.

The appearance by the Respondent at a hearing authorized under the provisions of Sections 630, 631 or 632 RSMo. may be made by means of two-way audio-visual communication, including but not limited to, internet based video conferencing; provided that such audio-visual communication facilities provide two-way audio-visual communication between the court and the remote site and that a full record of such proceedings be made of the proceedings in the courtroom.

Video hearings shall be conducted in the same manner as if the parties had appeared in person, and the presiding judicial officer may exercise all powers consistent with the proceeding.

Any document filed in a video hearing may be transmitted by electronic facsimile; signatures on a document transmitted by electronic facsimile shall have the same force and effect as original signatures.

The presiding judicial officer shall begin all video hearings by stating on the record the identities of all counsel, parties and witnesses present in the courtroom and at the remote site.

Any system used for conducting video hearings shall:

Enable the persons communicating to be able to simultaneously see and speak to one another;

Provide a live signal transmission that is secure from unauthorized acquisition: and

Record the proceeding in order to produce an accurate transcript upon request.

Video hearings shall not be authorized for jury trials.

## **RULE 66 Condemnation**

### **66.1 Assignment**

Petitions for condemnation shall be assigned to the two civil motion/equity divisions pursuant to Rule 6.2.3.

### **66.2 Exceptions**

If exceptions are filed, the clerk shall establish a sub-file for the particular parcel to which the exception relates; the exceptions shall be filed in the principal file and in the sub-file; the sub-file shall be numbered with the original file number and a suffix identifying the parcel; and each sub-file shall remain assigned to the judge who entered the order of condemnation.

#### **66.2.1 Deposits and Costs**

Each sub-file shall be deemed a separate civil proceeding for the purpose of deposits, fees and costs and the deposit, fee and costs shall be as provided by the schedule set forth in Rule 5.

#### **66.2.2 Sub-file Contents**

Each sub-file shall contain a copy of that portion of the Commissioner's report that pertains to the parcel and shall also contain all the exceptions that may have been filed concerning that parcel. Duplicate memoranda for the clerk shall be prepared and filed in the principal file for the following matters: (a) assignment or re-assignment of the sub-file, if assigned or reassigned; (b) any order for distribution of funds deposited in the registry of the Court; and (c) final adjudication of the matters in the sub-file.

### **66.3 Trial of Exceptions, Proceedings Pursuant to General Statutes**

#### **66.3.1 Ordinary Jury Case Procedure**

In condemnation proceedings pursuant to general statutes where exceptions to the commissioners' report are filed, the case shall be transferred to Division 1 for assignment to a general division in the same manner as any other civil jury cause. The trial shall be handled as to each sub-file in the same manner in which other civil jury causes are handled.

#### **66.3.2 File and Sub-file Cross-reference**

The preparation and assignment of sub-files shall be indicated by a memorandum for clerk and minute entry in the principal file. Duplicate memoranda for clerk shall be prepared and filed in the principal file for the following matters: (a) assignment or re-assignment of the sub-file; (b) any order for distribution of funds deposited in the registry of the Court; and (c) final adjudication of the matters in the sub-file.

## **67.1 Pre-Trial Release**

### **67.1.1 Motions to Set Bond for Bond Reduction**

Any person who is unable to meet the conditions for release which have been imposed by the Pre-Trial Release Commissioner or his assistants shall, upon written application to the Commissioner be entitled to a hearing before a judge of the Court in which the cause is then pending to determine the reasonableness of the condition or conditions. The hearing shall be conducted within twenty-four hours after the application is filed, or if a hearing which cannot be conducted within such time the hearing shall be conducted at the next regular session of the Court.

### **67.1.2 Deposit of Operator's License**

No Local Rule.

### **67.1.3 Pretrial Release Commissioner**

The Pretrial Release Commissioner and the Commissioner's assistants are authorized to set conditions for the release of persons under arrest where an arrest warrant has not been issued in such instances as the Court en banc or the Presiding judge may direct. The conditions of release shall be determined by the considerations set forth in Supreme Court Rule 33. The Pretrial Release Commissioner and his assistants before they enter upon the duties of their office shall enter into a bond with good and sufficient sureties, in a sum not less than Five Thousand Dollars (\$5,000), the amount to be fixed by the Court en banc, and the bond to be approved by the Presiding Judge. The bond shall be conditioned that he will faithfully perform the duties of his office and pay over all monies that may come into his hands by virtue of his office to the circuit clerk.

## **67.2 Preliminary Hearing**

No Local Rule.

### **67.3 Grand Jury**

No Local Rule.

### **67.4 Attorneys**

No Local Rule.

### **67.5 Arraignments**

Arraignments in felony cases shall be conducted in Division 25 or 26 as provided in Rule 6.1.1.3. Following arraignment, the judges in Divisions 25 and 26 shall transfer each case as provided in Rule 6.2.2.

### **67.6 Discovery**

No Local Rule.

### **67.7 Motions**

Motions for judgments on bond forfeitures shall be heard and determined in Division 1 or as assigned by Division 1.

### **67.8 Plea Bargaining**

No Local Rule.

### **67.9 Guilty Plea**

#### **67.9.1 Where Entered**

No Local Rule.

#### **67.9.2 Petition to Enter a Plea of Guilty**

No Local Rule.

### **67.10 Calendar**

#### **67.10.1 Presiding Judge**

The presiding judge shall, subject to Rule 67.10.2, have charge of the felony calendar, and shall establish, from time to time, such procedures as the

judge deems appropriate, which procedures shall be published on the court's website.

#### **67.10.2 Ready Dates**

Felony cases in which the highest degree of offense charged is an A felony or an unclassified felony shall be presumed ready for trial 120 days after arraignment, cases in which the highest degree of offense charged is a B felony shall be presumed ready for trial 90 days after arraignment, and cases in which the highest degree of offense charged is a C, D, or E felony shall be presumed ready for trial 60 days after arraignment.

### **67.11 Probation and Parole**

#### **67.11.1 Parole Report**

Every person who has been committed by a Judge of the Circuit Court to the City Jail or Medium Security Institution, either under sentence to said institution or in lieu of payment of a fine imposed, and who has served part of such sentence in an orderly and peaceable manner, may be considered for parole.

The Missouri Board of Probation and Parole may initiate a review of every prisoner's criminal record and social history to determine his eligibility for parole. The prisoners found eligible for parole shall be thoroughly investigated and a parole report shall be submitted to the sentencing Judge for consideration. After receiving the report the Judge may parole the applicant and suspend the execution of the remainder of the sentence or deny the parole.

#### **67.11.2 Violation of Conditions of Probation: Preliminary Hearing, Bond**

When any probationer is taken into custody by an officer of the Missouri Board of Probation and Parole, said probationer shall be afforded a preliminary hearing before an impartial member of the staff of the Missouri Board of Probation and Parole as soon as possible after said arrest, in accordance

with the rules of the Missouri Board of Probation and Parole. The probationer shall be notified by the Missouri Board of Probation and Parole of his right to bail and unless waived by him, a Pre-Trial Release Commissioner of this Court shall recommend the type of bond or recognizance.

#### **67.12 Post Conviction Remedy Motions**

Pro se motions filed under Missouri Supreme Court Rules 24.035 and 29.15 shall be filed with the Clerk of the Circuit Court in the Carnahan Courthouse. Motions filed by attorneys shall be filed electronically. Any motion filed, as aforesaid, shall be assigned to the same judge who presided at the time of conviction, if such judge is still a judge of the Circuit Court. If such judge is no longer a judge of the Circuit Court, the motion shall be assigned to the successor judge.

#### **67.13 State Traffic Violations Bureau**

##### **67.13.1 Establishment**

A State Traffic Violations Bureau is hereby established for certain offenses within the jurisdiction of associate circuit judges.

##### **67.13.2 Clerk**

The Circuit Clerk is appointed as Violations Clerk.

##### **67.13.3 Offenses and Penalties**

The traffic cases under the authority of the Violations Clerk and the amount of fines to be imposed shall be established by order of the Court from time to time. Said order shall be posted by the Clerk and transmitted to the St. Louis Metropolitan Police Department.

#### **67.14 Mental Competency Hearings**

All hearings on motions regarding the mental competency of a defendant in a criminal case shall be heard and determined in the division in which the case is pending.



## **RULE 68 DISSOLUTION OF MARRIAGE**

This rule shall apply to all petitions for dissolution of marriage, legal separation or annulment, motions to modify, motions for contempt, petitions for child custody and support and petitions for declaration of paternity filed on or after July 1, 2022.

### **68.1 Filing Requirements**

1. The Clerk of the Court shall not accept and file any petition for dissolution of marriage, legal separation, annulment or declaration of paternity, petition for custody and support, motion to modify or motion for contempt unless the caption contains the (1) name and last four numbers of the social security number of each party, (2) the address at which personal service may be effected upon respondent, and (3) the nature of the action.

2. The Clerk of the Court shall not accept and file any petition for dissolution of marriage, legal separation, annulment or declaration of paternity, petition for custody and support, motion to modify or motion for contempt unless such petition/motion is accompanied by the Family Court Information Sheet provided by the Court properly completed, signed and notarized. Said Family Court Information Sheet shall identify by case style and number any other family court proceedings, whether pending or previously adjudicated, involving any such party or child. Each party shall have a continuing duty to update this information as necessary until the case has been concluded.

3. No petition for dissolution of marriage, legal separation or annulment will be accepted for filing unless it is accompanied by the original and one copy of the Missouri Division of Health Certificate of Dissolution of Marriage. The form shall be prepared by petitioner in full, with the exception of provisions 15, 17, 18, 19, 22 and 23. No petition for dissolution of marriage, legal separation or annulment may be docketed for hearing unless and until all other numbered paragraphs and subparagraphs of the original and copy of the Certificate of Dissolution of Marriage are completed in full.

4. Due to issues of confidentiality, in any dissolution case in which paternity of one or more children must be established, a separate case shall be filed to establish paternity. The paternity case shall be filed with no filing fee required. The paternity case and the dissolution case shall

automatically be assigned to the same judge for disposition. In order to avoid a separate filing fee, the attorney filing the paternity case shall be responsible for advising the Clerk of the companion divorce case and its case number.

#### 5. Parenting Plans/Form 14

Within 30 days of service of the original petition or motion on the other party, each party shall file their proposed parenting plan on a form approved by the court consistent with the requirements of Missouri Statutes, including a proposed Form 14.

6. All original petitions and motions to modify prior decrees in domestic relations cases shall be electronically filed with the Circuit Clerk cashier and processed as new cases for assignment purposes. All subsequent pleadings, motions and matters, including entries of appearance shall be electronically filed with the domestic relations docket clerk.

### **68.2 Separation agreement**

No local rule

### **68.3 Form of Decree**

No local rule - See Rule 54.3

### **68.4 Filing of Income and Expense and Property Statements**

1. This rule shall apply to all petitions for dissolution of marriage, legal separation, annulment, petitions for declaration of paternity, petitions for custody and support, and all motions to modify any judgment of the preceding causes of actions.

2. Income and Expense and Property Statements shall be completed, under oath on the form approved by the court and available from the Office of the Circuit Clerk typed in substantially the same format, and shall be electronically filed with the court and served on the other parties as provided herein.

(a) Petitioner/Movant shall electronically file financial statements with their first pleading and shall serve them on the other parties at the same time as the

first pleading. The clerk shall not accept the pleading for filing unless the financial statements are filed. The amounts stated in the financial statement shall not state ``varies'' or ``TBD'' without approval of a family court judge.

(b) Respondent shall electronically file financial statements within 30 days of service or entry of appearance whichever is earlier. A copy of the financial statements shall be mailed to the attorney for each opposing party or to any unrepresented party.

### **68.5 Modification**

No local rule

### **68.6 Settlement/Status Conferences With the Court**

1. Scheduling: As soon as a petition or motion is served on the other party or an entry of appearance has been filed, the party who filed the petition or motion shall be responsible for scheduling a conference with the Court in the division to which the case has been assigned. The conference should be scheduled for a date no later than 90 days after service. Subsequent conferences may be scheduled by the parties or the Court as appropriate as the case progresses. Only the Judge in the division to which the case has been assigned may reschedule the conferences. See the Court's website for additional information regarding scheduling hearings online.

2. Attendance: All parties and their attorneys of record are required to attend all conferences in person unless their attendance has been excused by the Judge in the division in which the case is pending. If their appearance has been excused, attorneys must have settlement authority from their clients and have their schedules available so as to identify any conflict dates for future court dates.

### **68.7 Investigations - Mediation**

1. In each action assigned to the Family Court in which custody or visitation is a genuine and substantial issue, including motions to modify and motions for contempt, the Court may, on its own motion or upon the request by any party, order an investigation and, where appropriate, report regarding the

provisions to be made for protection of the best interests of each minor child.

2. In each action in which child custody or visitation is a genuine and substantial issue, the parties and, where appropriate, each minor child shall present themselves to a Deputy Juvenile Officer assigned to the Domestic Relations Unit of the Family Court for mediation of any issues of child custody or visitation.

3. The parties are also permitted, but not required, to request Mediation assistance relative to child support, maintenance and property division in domestic relations and paternity cases.

4. Mediation hereunder is the process by which a Deputy Juvenile Officer, as neutral mediator, assists the parties in reaching a mutually acceptable agreement on issues of child custody, visitation, child support, maintenance and property division. Mediation hereunder shall be conducted, to the extent practicable, in accordance with the ABA Standards of Practice for Lawyer Mediators in Family Disputes but recognizing that the mediator is a Deputy Juvenile Officer and not an attorney. The mediator should aid the parties in identifying the issues, reducing misunderstandings, clarifying priorities, exploring areas of compromise and finding points of agreement.

5. The Deputy Juvenile Officer shall inform the Court at a scheduled status conference or, as appropriate, in writing that (i) mediation has been completed and the issues of child custody or visitation have been resolved, (ii) mediation has been completed without resolution of the issues of child custody or visitation, or (iii) mediation has not been completed, but continued mediation will serve the best interests of each minor child.

6. All statements by the parties or a minor child during mediation conducted pursuant to this Rule shall constitute statements made as part of settlement negotiations and, therefore, shall be inadmissible at any evidentiary hearing.

7. Failure of any party to comply with this Rule shall warrant imposition of sanctions upon the request of any party or on the Court's own motion. In ordering sanctions, the Court shall be guided by the provisions of Supreme Court Rule 61.01.

## **68.8 Reports and Records**

1. All files and written records or reports prepared pursuant to Rule 68.7.1 hereof shall be maintained as confidential and not disclosed to any person without an order of Court. Such files, records and reports may be destroyed from time to time by order of Court but, in all events, shall be maintained until the parties' youngest child has reached the age of 22 or is otherwise earlier emancipated.

2. Nothing in Rule 68.7 hereof shall prevent the Court from ordering such other investigations and supervision of child custody or visitation issues as may be authorized by law.

## **68.9 Interrogatories**

1. Availability; Procedures for Use. The provisions of this rule shall apply in domestic relation cases, including dissolution of marriage, legal separation, motions to modify, petitions for custody and support and declaration of paternity cases, except as they conflict herein. Any party propounding interrogatories shall use the Pattern Interrogatories approved by the Court, but, upon request, the Court may permit other or further interrogatories.

2. Form: Each interrogatory by either the petitioner or respondent to the other shall be in the following form: (a) the question shall be first stated, (b) followed by the verified answer to the question by the person asking the question as if the question were asked of them, and (c) a space provided for the verified answer of the person of whom the question is being asked. All questions shall be prepared in such a form as to make them gender neutral and party neutral.

3. Extension of time: Requests for extension of time to answer interrogatories shall be made to the other party or their attorney. If there is no objection to the request for additional time, a copy of the extension shall not be filed in the Court file unless an order is requested under Supreme Court Rule 61.01(b) with respect to any objection to or subsequent failure to answer an interrogatory.

## **68.11 Production of Documents**

1. Availability; Procedures for Use. The provisions of this rule shall apply in domestic relation cases, including dissolution of marriage, legal separation, motions to modify, petitions for custody and support and declaration of paternity cases, except as they conflict herein.

2. Scope. Any party who shall serve on any other party a request to produce a designated document shall attach to the request for production a copy of any such document that they would be required to produce had the request been made to them. If the proponent does not have such documents they shall attach a verified statement that such documents are not in their possession or control. All requests shall be prepared in such a form as to make them gender neutral and party neutral.

3. Extension of Time: Requests for extension of time to produce documents shall be made to the other party or their attorney. If there is no objection to the request for additional time, a copy of the extension shall not be filed in the Court file unless an order is requested under Supreme Court Rule 61.01(b) with respect to any objection to or subsequent failure to answer an interrogatory.

#### **68.11 Parent Education Program**

In accordance with Sections 452.600-452.610 R.S.Mo., the Court established the "Parent Education Program" requiring mandatory attendance of all parties to actions for dissolution of marriage, paternity, custody or visitation, as well as all parties to a motion to modify a prior judgment involving dissolution of marriage, paternity, custody or visitation. This program is designed to help families cope with changes resulting from the Court custody process and the effect of this process on their children. Each party, through his or her respective attorney, or the party if self-represented, shall provide a copy of certification of attendance at the time of the submission of a Judgment in a non-contested matter or on the first day of a contested hearing. Such proof of compliance shall be submitted to the Court even if previously filed.

For good cause, the Court may waive the requirements of this Rule for any party.

#### **68.12 Forms of Decree**

Decrees shall be entered on current forms provided by the Supreme Court unless the trial judge authorizes another form.

### **68.13 Entry of Judgment Upon Affidavit**

1. A final order or decree in any action for dissolution of marriage, legal separation, annulment petition for child custody and support or declaration of paternity, or in any action in modification thereof, may be entered upon the affidavit of any party when:

(a) There are no minor unemancipated children of the mother and father and the mother is not pregnant, or both parties are represented by counsel and have entered into a written agreement determining child custody, visitation and support; and

(b) The respondent has been served in accordance with the Missouri Rules of Civil Procedure or has filed with the Court a verified entry of appearance or responsive pleading; and

(c) There is no genuine issue as to any material fact; and

(d) There is no marital property to be divided, or the parties are represented by counsel and have entered into a written agreement for the division of their marital property.

2. Any party requesting a final order or decree upon affidavit shall file with the Court an affidavit containing the facts necessary to establish the jurisdiction of the Court and support the relief requested, together with a proposed final order or decree, any written agreement to be submitted to the Court for approval, a completed Form 14, and all other supporting documents.

3. The filing of an affidavit shall not shorten any statutory waiting period required for entry of a final decree of dissolution of marriage or legal separation.

4. The Court is not required to enter a final order or decree upon the affidavit of any party but may, on its own

motion, require an evidentiary hearing to determine any or all issues presented by the pleadings.

#### **68.14 Disposition of Real Estate**

In all cases involving disposition of real estate, the legal description of each parcel of real estate shall be typewritten upon a separate sheet of paper, marked as an exhibit and offered in evidence, with all rights of cross-examination or explanation covering such exhibits being reserved by the parties.

#### **68.15 Retroactive Payment of Child Support**

1. In any action to modify an obligation for support of a minor child in a decree of dissolution, decree of legal separation or order of paternity, there shall exist a presumption that any modification (increase or decrease) of the obligation for payment of support for a minor child shall be retroactive to the date of filing of movant's Statement of Income and Expenses or the date of service of movant's motion to modify, whichever shall later occur.

2. If the obligation for payment of support for a minor child is increased, any amounts paid by a party in excess of the existing support obligation under a decree of dissolution, decree of legal separation or order of paternity after the date of filing of movant's Statement of Income and Expenses or the date of service of movant's motion to modify, whichever is later, shall be credited against the amount of any retroactive award.

3. If the obligation for payment of support for a minor child is decreased, any amounts paid by a party in excess of the support obligation, as modified, under a decree of dissolution, decree of legal separation or order of paternity after the date of filing of movant's Statement of Income and Expenses or the date of service of movant's motion to modify, whichever is later, shall be credited toward any arrearage and the balance, if any, applied to future support.

#### **68.16 Offers of Judgment**

1. In any action for dissolution of marriage, legal separation, declaration of invalidity, or declaration of paternity, or in any action in modification thereof, any time prior to ten (10) days before commencement of the evidentiary



hearing, any party may serve upon any other party a written offer for entry of the judgment therein.

2. The offer, which, subject to the provisions of subsection 3, shall be filed with the Court only at the conclusion of the evidentiary hearing, may include all issues before the Court or be limited to one or more of the following issues: (1) custody and visitation, (2) child support, (3) maintenance, (4) attorneys fees, (5) division of marital property, (6) determination of status of property as separate or marital, (7) that the marriage is irretrievably broken, (8) the existence of the parent-child relationship, or (9) a substantial and continuing change of circumstances.

3. To accept an offer, the offeree shall serve on the offeror, within the acceptance period specified in subsection 4, written notice of agreement to entry of the judgment specified in the offer and shall file with the Court a copy of the offer and the notice of agreement and proof of service of the notice of agreement on the offeror, in which event the Court shall enter the agreed upon judgment unless it finds that the provisions for custody, visitation or support of the minor children are not in their best interests or that the provisions for the division of property are unconscionable.

An offer is irrevocable during the acceptance period specified in subsection 4, and any offer not accepted within the acceptance period shall be deemed withdrawn and, except in a proceeding to determine costs, evidence thereof shall be inadmissible.

4. The acceptance period shall be ten (10) days from receipt of an offer unless the offer is made within ninety (90) days after service and discovery is incomplete. Upon the request of the offeree within the said ninety (90) day period, the Court may extend the period for acceptance of an offer, but, in all events, the acceptance period shall terminate upon expiration of the said ninety-day period or upon expiration of any extended period, whichever is later. Any party who has made an offer shall have ten (10) days to respond to any counter-offer. Notwithstanding any other provision of this Rule, the acceptance period shall terminate upon commencement of the evidentiary hearing.

5. If the judgment entered after the evidentiary hearing is not more favorable to the offeree than the offer, upon the request of the offeror, the offeree must pay the actual costs incurred by the offeror subsequent to the date of service of the offer on the offeree in prosecution or defense of those issues specified in the offer. "Actual costs" are the costs and fees taxable in a civil action and a reasonable attorneys fee for the services incurred by counsel for the offeror as a result of the failure of the offeree to agree to entry of the judgment specified in the offer.

6. Any request by the offeror under this Rule for actual costs shall include a copy of the offer and proof of service of the offer on the offeree and shall be filed with the Court and noticed for hearing within thirty (30) days after entry of the judgment or of an order denying a timely motion for new trial or to set aside the judgment.

The hearing for actual costs need not be conducted, but the date for the hearing need be set, by the Court within the time prescribed under this Rule; otherwise, the request by the offeror for actual costs shall be deemed waived.

7. In any proceeding to determine actual costs, except for good cause, the Court shall consider only evidence presented during the evidentiary hearing. Failure to present evidence relevant to actual costs which was available shall not be good cause hereunder.

8. The making of an offer which is not accepted does not preclude the making of a subsequent offer, and if a party makes more than one offer, the most recent offer controls for the purpose of this Rule.

9. The making of an offer pursuant to this Rule shall not by itself be cause for a continuance or postponement of an evidentiary hearing.

10. If the Court rejects the acceptance of any part of an offer, this Rule shall not apply to the rejected parts of the offer, and, in such event, within ten (10) days of the rejection by the Court, either party may withdraw the remaining parts of the offer or acceptance.

## **RULE 69 MUNICIPAL DIVISION**

### **69.1 Definitions**

As used in these Rules, unless the context requires otherwise, or unless the Circuit Court en banc otherwise directs:

1. "Municipal Court" means any duly appointed Municipal Judge, sitting in a court of the Municipal Division of the Circuit Court of the City of St. Louis, Missouri.
2. "Municipal Division" means the Judges of the Municipal Division of the Circuit Court of the City of St. Louis, Missouri, collectively, but shall not include those judges appointed as "provisional" Municipal Judges.
3. "Clerk" means the duly appointed Clerk of the Municipal Division of the Circuit Court of the City of St. Louis, Missouri.
4. "City Counselor" means any attorney designated by the City of St. Louis, Missouri, to represent said City in the prosecution of a defendant for a Charter or ordinance violation.
5. "Chief Parole and Probation Officer" means the duly appointed Supervisor of the Probation office for the Municipal Division of the Circuit Court of the City of St. Louis, Missouri.
6. "City Marshal" means the duly appointed Marshal for the City of St. Louis, Missouri.
7. "General Offense" means any charter or ordinance non-traffic violation of the City of St. Louis, Missouri, and shall include all Minimum Housing and Sanitation ordinance violations.
8. "Traffic Offense" means any traffic ordinance violation of the City of St. Louis, Missouri.
9. "Public Holidays" means those days as defined by the ordinance of the City of St. Louis.

10. "Oath" shall mean sworn obligation to speak the truth and shall include affirmation.

## **69.2 Daily Docket Hours**

1. Daily Dockets. The dockets for the Municipal Courts shall be set by the administrative judge of the Municipal Division.

2. Separate Dockets for Traffic and General Offenses. Traffic and general offenses shall be scheduled on separate Municipal Court dockets.

## **69.3 Municipal Division**

1. Meetings of the Municipal Division. The Municipal Division shall hold a monthly meeting and such other judicial meetings as the business of the Municipal Court may require and there determine all matters of policy, administration and court rules. A three-day notice of such "regular" meetings shall be provided. In case of emergency meetings, reasonable notice to each Municipal Judge shall be given.

2. Quorum-Majority Vote. A majority of the members of the Municipal Division shall constitute a quorum for the transaction of business in the Municipal Court, but no recommended alteration in the Rules of the Municipal Division made to the Rules Committee (Rule 100.1.4.4) shall be made without the concurrence of a majority of the members of the Municipal Division.

3. Voting - Proxies Prohibited. Voting at meetings of the Municipal Division shall be restricted to its members who are in attendance at such meetings and cast their vote in person.

4. Clerk to Act as Secretary. The Clerk shall act as Secretary to the Municipal Division.

5. Preparation of Meeting Minutes. The Clerk shall cause a draft of the minutes of every meeting of the Municipal Division to be delivered to each Judge and the Presiding Judge of the Circuit Court within 15 days after the meeting.

#### **69.4 Administrative Judge**

1. Assignment of Administrative and Assistant Administrative Judge. The judges of the Municipal Court shall select a Municipal Judge to act as an Administrative Judge, and a Municipal Judge to act as an Assistant Administrative Judge for the Municipal Division. The Assistant Administrative Judge shall perform the duties of the Administrative Judge whenever called upon to do so by the Administrative Judge or in the absence or incapacity of the Administrative Judge.

2. Duty to Administer the Municipal Courts. The Administrative Judge shall administer the business of the Municipal Courts as prescribed from time to time and supervise the Clerk of the Municipal Courts, the Marshal of the City of St. Louis, and coordinate the business of the Municipal Courts regarding probation with the Chief Probation and Parole Office.

3. Duty to Assign Cases. The Administrative Judge of the Municipal Courts, or his authorized representative shall assign the Judges and case dockets to each Municipal Court so as to arrange, classify and distribute the business of the Municipal Division and the causes instituted therein among the several judges. When a timely application for a change of judge is filed or a judge disqualifies himself or herself, it shall be the duty of the Administrative Judge, or authorized representative thereof, to reassign the case to another judge or duly appointed provisional judge within the Municipal Division. Only one such change of judge may be filed by a party in a case. When the Administrative Judge is disqualified or unable to act, the Assistant Administrative Judge shall reassign the case. If no judges of the Municipal Division shall be qualified to hear the case, the Administrative Judge shall notify the Presiding Judge who shall then designate the judge.

4. Agenda. The Administrative Judge shall circulate or cause to be circulated a tentative agenda for a meeting of the Municipal Division three days before the date of the meeting.

5. Duty to Act as Spokesperson. The Administrative Judge, after consultation with the Presiding Judge, shall coordinate all contacts with the media and will be the spokesperson for the Municipal Courts on all policy and administrative matters.

6. Duty to Act as Liaison with Governmental Agencies. The Administrative Judge shall handle or designate a Judge to handle the liaison and personal contacts with the Presiding Judge of the Circuit Court of the City of St. Louis and with any and all governmental agencies.

7. Authority to Request Assistance. The Administrative Judge of the Municipal Courts is authorized at any time to call upon another Judge to assist him in the performance of any of his duties.

8. Authority to Sign Orders of Municipal Division. The Administrative Judge shall sign all orders for the Municipal Divisions on policy and administrative matters, specifying majority action of the Municipal Division, unless otherwise provided. Such orders shall take effect as though signed by each Judge separately; a copy of each such order shall be provided to each Judge of the Municipal Court.

#### **69.5 Organization and Operation of the Municipal Division**

1. Municipal Courts of the Municipal Division. The Municipal Division of the Circuit Court of the City of St. Louis shall be organized into four Courts, each of which shall be presided over by a Judge, duly appointed.

2. Jurisdiction of Cases in the Division. The Judges shall retain jurisdiction over matters pending in their Court, except upon order of the Judge transferring jurisdiction to another Court.

3. Handling of Accelerated Cases. The handling of cases accelerated on a Municipal Court's docket or added on as a result of the defendant's failure to make a timely appearance shall be handled in the following manner:

A. For the defendant who desires to plead guilty to an alleged violation prior to his regularly scheduled court date he may do so at the discretion of the Judge. In such

case the Judge shall upon written order to the Clerk cause the defendant's case to be added to his current day's docket, or other time as ordered by the Judge.

B. For the defendant who fails to appear in Court and a bench warrant is issued, the Judge in his discretion may cancel the warrant and upon written order to the Clerk cause the defendant's case to be added to his current day's docket, or other time as ordered by the Judge.

C. For the City Counselor who desires to have a case accelerated or added to a current day's docket for purpose of nolle prosequi may do so only upon the written order of the Judge. In the event such request is granted, the City Counselor shall sign a memorandum with the Court indicating why the case is being placed on the current day's docket and entering such nolle prosequi.

4. Orders Regarding Administration of the Municipal Courts. The Municipal Division from time to time may promulgate and issue orders regarding policy and the efficient operation and administration of the Municipal Courts. Said orders shall be published and made available to the public.

#### **69.6 Defendant's Rights**

The Municipal Division shall cause to be published, and made available to the public, a brochure of defendant's rights.

#### **69.7 Public Conduct**

1. Public Restricted from Certain Areas of the Court. No person other than the Clerk or his designee shall be permitted in the working area of the Clerk's office.

2. Interview of Confined Prisoners. Any attorney desiring to confer with an incarcerated defendant must first obtain permission from the Jailor in the City Marshal's office.

3. Good Order - Duty of the Marshal. The hallways immediately adjacent to and adjoining the courtrooms are considered to be extensions of the courtrooms. A Deputy

City Marshal will be assigned to each hallway and he shall maintain good order in said hallway.

4. Enforcement of Duty to Keep Order. It shall be the duty of the City Marshal and his assigned Deputies to take such action as may be necessary to implement and enforce the provisions of this Rule and to report to the Court any infractions or violations.

5. Effect of Disorderly Conduct - Punishable as Contempt. Any violation of this rule of proper conduct and demeanor in the courtroom may be treated, in the discretion of the Municipal Court, as contempt of Court and shall be subject to the contempt powers of the Court.

#### **69.8 Docket Procedure: Docket Call - Arraignment - Trial**

The normal procedure of each court session is as follows:

1. Attorney's Docket Call. At the beginning of each court session an attorney's docket call shall be heard.

2. Arraignment and Call Docket. After the calling of the attorney's docket, the name of each defendant on the docket shall be called aloud in open court until the entire docket for the session has been called. No case will be taken out of numerical sequence without the permission of the Judge.

3. Trial Docket. If the defendant enters a plea of "Not Guilty," an inquiry will be made of him by the Court as to his readiness for trial and if the defendant is ready for trial, a similar inquiry will be made of the City Counselor to determine the City's readiness. If both sides indicate they are ready for trial, the cause may be passed down to the end of the docket call for trial.

4. Request for Jury Trial. The Court may inform the defendant of his right to request a trial by jury. If the defendant has the right to a trial by jury and demands such trial by jury, the Judge shall forthwith certify the cause to Division 24 of the Circuit Court of the City of St. Louis, to be heard on the record in



accordance with the procedures applicable before Circuit Judges with there being no right of trial de novo. The Clerk of the Municipal Division shall within three days file in the Office of the Circuit Clerk a transcript of the record duly certified by the Judge or the Clerk, together with all of the original papers filed.

#### **69.9 Counsel**

1. Entry of Appearance/Withdrawal. An attorney appearing for a defendant must file an entry of appearance in writing. Withdrawal of counsel will be permitted by the Court only upon written showing of good cause.
2. Attorney's Failure to Appear. Upon failure of appearance of counsel of record at a trial docket setting and absent compliance with Rule 69.13(2) the Court may require the defendant to proceed to trial of the cause without counsel.

#### **69.10 Motions**

All motions and other matters that require a ruling by the Court may be oral, except as otherwise provided by Rule, but notice of said motions must be given to opposing counsel. If the motion is in writing, the original of said motion must be filed with the Court and opposing counsel must be supplied a copy of same at least five (5) days in advance of any hearing on said motion.

#### **69.11 Defendant's Failure to Appear**

1. Warrants Issued and/or Bond Forfeitures. If the defendant shall fail to appear in Court as scheduled, a warrant for the Defendant's arrest and/or forfeiture on the Defendant's bond may be ordered.
2. Cancellation of Warrant Upon Posting of Bond. If a duly summoned Defendant fails to appear in Court and a warrant for his arrest is issued and the Defendant later appears, the Defendant will be advised that there is a warrant outstanding against him and he is subject to arrest unless he posts an authorized cash bond to cancel said arrest warrant. If the Defendant posts

said bond, the warrant shall be canceled and the Defendant advised of the new court date. Warrants shall not be canceled without the posting of an authorized cash bond or upon written order of the Judge.

3. Setting Aside Bond Forfeiture. If the Court has ordered a bond forfeiture, notice of the forfeiture shall be sent by the Marshal to the surety. Only the Judge ordering such forfeiture may set aside the forfeiture except where the Judge shall be unavailable within a reasonable time. After thirty (30) days a judgment shall be entered on the bond and shall not be set aside thereafter.
4. Conditions for Setting Aside Bond Forfeiture. If the Court sets aside a bond forfeiture, it may require any one or more of the following:
  - A. The payment of authorized bond fees;
  - B. The posting of additional bond;
  - C. Such other conditions as the Court deems necessary to insure the timely appearance of the Defendant.
5. Defendant to Appear in Person. The Defendant shall appear in person and produce adequate identification before the bond forfeiture will be set aside, unless the surety or attorney for Defendant presents to the Court sufficient information that the Defendant's absence is justified.

#### **69.12 Granting Continuances**

1. When Case is Not Set for Trial. The Court may, for good cause shown, grant a continuance for cases not set for trial upon personal appearance or written motion of a party as provided in Rule 69.11.
2. When Case is Set for Trial. The Court may, for good cause shown, grant a continuance of a trial setting upon written motion as provided in Rule 69.11. All objections must be filed in writing within three (3) days after the filing of said Motion.

### **69.13 Sentencing**

At the conclusion of a trial of a case, an entry of finding of "guilty" or "not guilty" shall be made by the Court.

1. If the Court's finding is "not guilty," the Court shall acquit the Defendant and enter an order showing same.
2. If the Court's finding is "guilty," the Court may make any one or more of the following dispositions:
  - a. Sentence the Defendant to a term of imprisonment;
  - b. Sentence the Defendant to pay a fine;
  - c. Suspend the imposition of sentence with or without placing the Defendant on probation;
  - d. Pronounce sentence and suspend execution placing the Defendant on probation;
  - e. Impose a period of detention as a condition of probation, except in infraction cases;
  - f. Dismiss the Defendant upon payment of Court costs, after a finding that the cause is abated or trivial in nature.

### **69.14 Installment Payments**

Should the Court find a Defendant lacks means to satisfy a fine and Court costs assessed by the Court, it shall order him to pay in installments under terms and conditions the Court deems appropriate.

### **69.15 Application for Trial de Novo**

1. Procedure. An application for trial de novo if taken from a court judgment, must be taken within ten (10) days from the date of the entry of judgment. Such application shall be taken by filing with the Clerk's office a notice of application, an authorized appeal bond as ordered by the Court, and such Court costs and deposit for costs as may be required by law.
2. Certification for Trial de Novo. Whenever a Municipal Judge certifies a case for assignment pursuant to the provisions of Section 479.200 RSMo, the Clerk of the Municipal Division shall within three (3) days file in

the Office of the Circuit Clerk a transcript of the record duly certified by the Judge or the Clerk, together with all of the original papers and the deposit for costs required by Rule 5.6.

#### **69.16 Costs and Fees**

1. Court Costs. In any case, the Court may assess costs, as provided by law against the defendant.
2. Additional Fees. In addition to any costs which may be assessed by the Court in subsection (1) hereof, the Court may assess fees for service costs, change of venue fees, witness fees, jail costs, duplication costs, record search costs, and such other administrative costs as shall be ordered by the Court.
3. Collection of Costs. Such costs as assessed shall be collected by the Clerk.

#### **69.17 Release from Custody**

1. Traffic Offense - Release on Posting License as Bail. Any peace officer who arrests any person for violation of any traffic ordinance shall take the name, address, operator's or chauffeur's license number, registration number of the vehicle involved, and such other pertinent information as may be necessary or required, and shall issue to such person, in writing, a Missouri Uniform Traffic Ticket summoning him to answer the alleged charge at the time and place specified in said summons. In connection with arrest for an alleged traffic offense, a resident of this state may be released in the discretion of the arresting officer by depositing his current Missouri's operator's or chauffeur's license with the arresting peace officer, or other appropriate designated official, in lieu of bail, and the officer shall mark the summons indicating such license deposit.
2. Release on Personal Recognizance. Every Defendant who shall not meet the standards set out in Rule 69.18(1) shall be released on his own personal recognizance if, after preliminary investigation, it appears to the arresting authority that the defendant will appear in

court as scheduled. No person shall be released upon personal recognizance where the person is arrested on a warrant for failure to appear in court.

3. Release on Posting Bail Bond. Every Defendant who does not meet the standards set out in Subsection (1) or (2) shall be subject to release upon the posting of an authorized bail bond set by the Court.

#### **69.18 Traffic Violations Bureau**

1. Establishment of Bureau. A Traffic Violations Bureau is hereby established to accept appearances of defendants in designated traffic cases where guilty pleas may be received on waiver of trial and payment of designated fines, penalties and costs. The Clerk is hereby designated Violations Clerk of such Traffic Violations Bureau, and it shall be his function to cause to be processed therein such designated traffic offenses in accordance with the schedule of fines, penalties and costs ordered by the Court. The Violations Clerk or his designee shall perform the following duties:

A. Receive and issue receipts for bail from persons who must or wish to be heard in court and enter the time of their appearance which shall be the arresting officer's scheduled court date whenever possible.

B. Keep records which shall contain all pertinent data relative to the original proceeding and ultimate disposition of each case and make such reports as may be required by the Municipal Division.

2. Procedure for Pleading and Paying at the Bureau. The Missouri Uniform Traffic Ticket, substantially in the form required by the Supreme Court of the State of Missouri, as amended, shall be utilized in the disposition of cases in the Traffic Violations Bureau.

A. Not earlier than four (4) days, nor later than fifteen (15) days after the offense, any persons charged with any traffic offense, other than an offense requiring mandatory court appearance, may appear in

person or by attorney or by any member of his immediate family before the Violations Clerk and upon signing a "plea of guilty" and "waiver of trial," pay the fine established for the offense charged and costs. He shall, prior to such plea, waiver and payment, be informed of his right to stand trial, that his signature to a plea of guilty will have the same force and effect as a judgment of the Court and that the record of conviction will be sent to the Director of Revenue of this state or the appropriate officer of the state from which he received his driver's license.

B. Court Appearance Required. All designated offenses shall be within the authority of the Traffic Violations Bureau, provided that a court appearance shall be required, and the Traffic Violations Bureau shall have no authorization for traffic cases involving property damage or personal injury, operation of a motor vehicle while under the influence of intoxicating liquor or drugs or permitting another person under such influence to operate a motor vehicle owned by the defendant or in his custody or control, speeding in excess of 15 miles an hour above the legal speed limit, any second speeding offense in a two-year period, driving without license but not expired license when within 60 days after expiration, driving when license is suspended or revoked, or leaving the scene of an accident.

C. Procedure after Two Convictions. Any person who has twice been found guilty in any court having jurisdiction of Traffic Cases or who has signed a plea of guilty to two previous moving traffic offenses in the preceding two-year period or shall have been charged with such offenses without either paying a satisfaction fine or posting an appearance bond with the time required by law or has forfeited bonds for such offenses, shall not be permitted to appear before the Violations Clerk but shall be required to appear in court on third and subsequent offenses within said preceding two-year period.

3. Location and Hours. The Traffic Violations Bureau shall be located at 1520 Market Street, Suite 1120, St. Louis, Missouri 63103 and open at 8:00 a.m. and remain

open until 5:00 p.m. daily, Monday through Friday, and on Saturdays shall remain open until 12:00 noon, inclusive, holidays and Sundays excluded.

## **RULE 70 PARTITION**

No Local Rule.

## **RULE 71 ADMINISTRATIVE REVIEW**

### **71.1 Procedure**

1. This rule shall apply to all proceedings for judicial review of final agency decisions except as otherwise provided by law or Supreme Court Rule. Nothing contained in this rule shall be deemed to affect the time within which a proceeding for judicial review must or may be commenced, or the time within which the agency record must or may be filed.
2. After the record on appeal has been filed in the Court, briefs and/or proposed judgments may be filed if desired by either party and shall be filed if required by the Court. The Court will establish a briefing schedule in connection with any case in which briefs are filed. Service of briefs and other case papers upon opposing counsel may be shown in any manner permitted by Supreme Court Rule.
3. Following the filing of all briefs or if no briefs are filed, when the case is otherwise ready for submission, any party, upon proper notice to all other parties, may request a setting for oral argument. If no party desires oral argument, all parties shall so notify the Court in writing and thereupon, unless otherwise ordered by the Court, the case will be submitted on the briefs or if no briefs are filed, the case will be submitted on the agency record. If no party files briefs or requests oral argument within thirty (30) days after the record on appeal has been filed, the court may take the case as submitted and enter judgment therein.

### **71.2 Filing**

The filing of each petition for review of a contested case shall be accompanied by a certificate that the petition has been mailed or delivered to all parties of record to the administrative proceeding, or their attorneys. The certificate shall be on a form provided by the Circuit clerk.

## **RULE 72 PROBATE**

The Judge presiding in the Probate Division shall establish such procedures from time to time consistent with these rules to implement the Probate Code Revision of 1980.

The Judge presiding in the Probate Division shall establish procedures to permit the filing by electronic transmission the following types of pleadings provided that the total number of pages of said pleading does not exceed ten (10) pages:

- a. Applications for continuances of due dates for filing bonds, inventories, settlements and auditors' exception letters.
- b. Applications for continuances of any adversary probate or civil proceeding pending in the probate division.
- c. Requests for file copies of documents and for final cost computations. (Completed final cost computations will be returned by facsimile transmission if sender's facsimile number is provided.)
- d. Applications for temporary emergency detention of mentally ill persons and persons who abuse substances, submitted by a Mental Health Coordinator pursuant to Chapters 631 and 632, RSMo.

No other types of pleadings or documents will be accepted for filing by electronic transmission.

For purposes of this Rule, electronic transmission shall mean facsimile transmission or e-mail.

## **RULE 73 SMALL CLAIMS**

No Local Rule



**RULE 74 TRUST ESTATES**

No local rule

**RULE 75 ABUSE - ADULTS AND CHILDREN**

**75.1 Protective Orders**

Full orders of protection shall be served upon respondent or mailed by certified mail to the respondent at respondent's last known address. The clerk shall be responsible for mailing such order of protection by certified mail upon the direction of the judge or if personal service cannot be obtained by the Sheriff. Unserved orders of protection shall be returned by the Sheriff to the clerk of the division out of which such orders originated for mailing.

**POST TRIAL**

**RULE 81 EXECUTION**

**81.1 Clerk to Provide Blank Forms**

The Clerk shall provide blank forms for requesting executions, garnishments and writs of sequestration.

**81.2 Requirements for Requests**

The forms, except those used in Small Claims Court, shall be completed with typewritten entries, shall designate the creditor and debtor in the caption, shall identify and describe the judgment, shall itemize all charges and credits, shall set out the total amount currently due, the term thereof, and shall be sworn to by the creditor or the attorney for the creditor. In Small Claims Court the form prescribed in Supreme Court Rule 155 may be used.

**RULE 82 GARNISHMENTS**

**82.1 Form of Request**

See rule 81.1 above.

**82.2 Receipt of Funds**

**82.2.1 Publication of Receipt**

Upon receipt of funds from a garnishee the clerk shall note the receipt on the judge's docket sheet and cause publication of the receipt and the amount received in the St. Louis Daily Record.

**82.2.2 Clerk to Deposit Funds**

The Clerk shall deposit the funds received in an account kept solely for garnishment funds.

**82.3 Disbursement of Funds**

The Clerk shall disburse funds by drawing a check on the garnishment account and delivering the check to the attorney for the creditor.

**82.4 Examination of Judgment Debtors**

The filing of a Motion for Examination of Judgment Debtor will supersede any motion filed against the same judgment debtor, thereby dismissing the earlier motion and the action will proceed on the later motion.

**RULE 83 JUDICIAL SALES**

No Local Rule.

**RULE 84 USE OF ORIGINAL FILE AND NUMBER**

1. Collection Proceedings. The original cause number shall be used for all executions, garnishments, sequestrations, examinations of debtor and other motions for the collection or satisfaction of the judgment and there shall be no additional filing fee for such proceedings.
2. Modification and Revival Proceedings. The original cause number shall be used for proceedings to modify or revive a judgment, but the Clerk shall require a new deposit for costs before accepting such proceedings.

**RULE 85 TRANSCRIPT JUDGMENTS**

1. The Clerk shall provide forms for the use of persons requesting transcripts of judgments rendered under Chapter 517 procedures. The form provided for this purpose shall be entitled "Transcript of Judgment" and shall contain language necessary to meet the requirements of Section 517.141 RSMo.
2. The duties of the Circuit Clerk in regard to a request for a transcript of judgment shall be those required under Section 517.141 RSMo.

**RULE 86 FINES, PENALTIES, AND FORFEITURES**

The Circuit Clerk shall accept and account for all fines, penalties, forfeitures and other sums of money, by whatever name designated, accruing to the Board of Education by virtue of any order, judgment, or decree for the Court, excepting orders, judgments and decrees of the Municipal and Probate divisions.

**RULE 87 WRITS OF HABEAS CORPUS**

A Petition for Writ of Habeas Corpus involving a detainee at the St. Louis City Justice Center, the Medium Security Institution, or other adult detention facility wherein venue lies in the City of St. Louis shall be assigned to the judge to whom the case is or was assigned.

A Petition for Writ of Habeas Corpus filed by a prisoner confined under sentence of this Court, or on a term of probation or parole

thereto, shall be assigned to the same Judge who presided at the time of sentencing, if said Judge is still a Judge of this Court, otherwise to that Judge's successor.

Writs of Habeas Corpus involving juveniles shall be assigned to the Juvenile Division.

Writs of Habeas Corpus involving custody of children in domestic relations matters shall be assigned to Division 15.

All other Writs of Habeas Corpus shall be assigned to Division 1 for further assignment as directed by the Presiding Judge.

## **INTERNAL ORGANIZATION**

### **RULE 100**

#### **100.1 Presiding Judge**

##### **100.1.1 Election**

1. Election and Tenure. The Circuit Court en Banc at its December meeting beginning in 1978 and biannually thereafter in September shall elect, by secret ballot of the majority of the Circuit Court, a Presiding Judge and Assistant Presiding Judge of the Circuit Court who shall hold their offices for a period of two years, beginning January 1 of the following year. The Assistant Presiding Judge shall perform the duties of the Presiding Judge whenever called upon to do so by the Presiding Judge, or in the temporary absence or incapacity of the Presiding Judge, and in the event of a permanent vacancy until such time as a successor for the balance of the term is elected.

2. Removal. The Presiding Judge or the Assistant Presiding Judge may be removed by a two-thirds vote of all the Judges of the Circuit Court en Banc at a meeting called for that purpose.

##### **100.1.2 Duties of the Presiding Judge**

The Presiding Judge shall be responsible for the administration and management of the Circuit Court.

Every Judge of the Circuit Court and all other Circuit Court personnel shall comply with the Presiding Judge's directives in respect thereto. The Presiding Judge also shall perform such other duties as are provided by law and Supreme Court Rule and as the Circuit Court en Banc and these Rules direct. The duties shall include:

1. Presiding at the sessions of the Circuit Court en Banc. The Presiding Judge shall circulate a tentative agenda for the regular sessions five days before the date of the session.
2. Presiding in Division No. 1 of the Court.
3. Supervising the Probate Division.
4. Scheduling and coordinating vacations of the Judges of the Court. Every Judge shall make his or her vacation request to the Presiding Judge not less than 30 days in advance of the requested vacation.
5. Directing and supervising the work of the Court Administrator.
6. Handling all contacts with the media and being the sole spokesman for the Circuit Court on all policy and administrative matters.
7. Handling, or designating a Judge or other court personnel to handle the liaison and personal contact with other governmental agencies.
8. Authorizing and approving of purchases of all articles, material and supplies, and all orders for repairs and services, necessary for the use of the Court. The Presiding Judge shall make periodic reports to the Court en Banc.
9. Approving all accounts for articles, materials and supplies purchased, and repairs made and services rendered, for the use of the Court, including the accounts of the Circuit Clerk and Court Administrator.
10. Arranging, and reporting to the Court en Banc the Calendar for the following year, no later than

October 15th of the preceding year. The Calendar shall indicate the weeks, if any, when there shall be no jury trials.

11. Seeing that reasonably adequate modern physical facilities are provided for carrying out the necessary functions of the Court.

12. Establishing standardized administrative procedures in the various Divisions of the Circuit Court.

### **100.1.3 Sanctions**

If any Judge of the Court shall fail to comply with a directive of the Presiding Judge of the Court or any assignment under Rule 6.8 the Presiding Judge shall deliver to that Judge a confidential written directive. The Judge, should he continue in his refusal to comply therewith, shall deliver to the Presiding Judge a confidential written explanation of his refusal and the reasons therefore. If the Presiding Judge rejects the explanation he shall refer the matter to the Advisory Committee in accordance with Rule 100.1.4.5. The Court en Banc meeting in Executive Session shall determine the merits of any appeal from the Advisory Committee and may take appropriate action.

### **100.1.4 Committees**

#### **100.1.4.1 Committees**

The following standing Committees shall be appointed by the Presiding Judge of the Circuit Court:

Budget Committee  
Rules Committee  
Operational Support and Security Committee  
Legislation Committee  
Personnel Committee  
Public Education Committee  
Weighted Workload Committee

Each Committee shall consist of such number of members as shall be fixed by the Presiding Judge or these Rules

and shall report to the Presiding Judge their recommendations to the Circuit Court en banc. Such recommendations as require action by the Court en banc shall be submitted to the Court at the next regular meeting or at a special meeting called for that purpose. The Presiding Judge may appoint special Committees as deemed necessary to assist in carrying on the responsibilities of the Court.

#### **100.1.4.2 Budget Committee**

The Budget Committee shall direct the Court Administrator to prepare and present to the Committee for its approval and for presentation for approval to the Court en Banc annual city and state budgets for all of the operations of the Court. The Committee shall fix a date by which proposed budgets shall be submitted to the Committee. Not less than thirty days prior to the dates fixed for the filing of said budget requests with the City of St. Louis or the Supreme Court of Missouri, said budgets shall be submitted for approval to the Court en Banc. The budgets as submitted or as amended by the Court shall be approved by a majority vote of the Circuit and Associate Circuit Judges.

#### **100.1.4.3 Rules Committee**

The Rules Committee shall consist of four Circuit Judges and one Associate Circuit Judges. The Committee shall meet from time to time and report to the Presiding Judge its recommended changes concerning the Rules of the Circuit Court en Banc.

#### **100.1.4.4 Advisory Committee to the Presiding Judge**

There shall be an Advisory Committee of the Presiding Judge which shall consist of the immediate past Presiding Judge, the incumbent Assistant Presiding Judge and three Judges elected by Circuit Judges and one Associate Circuit Judge elected by the Associate Circuit Judges at the meeting of the Court en Banc in December of the year at which the Presiding Judge is elected. The two year term shall commence on January 1st of the year following said election. In the event

that a vacancy occurs among the elected members the vacancy shall be filled by vote of the Circuit Judges or Associate Circuit Judges at the next meeting following occurrence of the vacancy. The three Circuit judges to be elected shall consist of one Judge with ten years or more of service on the bench, one Judge with five or more but less than ten years on the bench and one Judge with one but less than five years on the bench. The Advisory Committee to the Presiding Judge shall meet upon the request of the Presiding Judge for purposes of consultation. The Committee shall also meet to review actions of the Presiding Judge affecting individual Judges upon written request of the affected Judge or Judges, the decision of the Committee to be binding unless appealed to the Circuit Court en Banc.

#### **100.1.4.5 Treatment Court Committee**

See Rule 100.14.6

#### **100.1.4.6 Custodian**

Pursuant to § 610.023.1 RSMo, the court administrator is hereby appointed as custodian for all of the court's committees. In addition to those duties that may be imposed upon a custodian by statute, the court administrator, or the court administrator's designee, shall take and retain minutes on behalf of each of the court's committees, as required by § 610.020.7 RSMo.

### **100.2 Local Court Rules**

#### **100.2.1 Formulation** (Amended 11/24/86)

The recommendations for changes in the rules shall be delivered in writing to each Judge of the Circuit Court ten days or more before the En Banc meeting when they will be considered. When a rule change shall have been approved by at least a majority of all the Circuit Judges of the Court en Banc, the Court Administrator shall cause a copy of the change to be delivered within fifteen (15) days to each Judge in the Circuit Court and to the Clerk of the Supreme Court of Missouri.



### **100.2.2 Publication**

When so ordered by the Circuit Court, changes in the rules shall be published in the St. Louis Daily Record.

### **100.2.3 Rules - When Applicable**

Rules 1 through 100 shall govern the administration of the Circuit Court of the City of St. Louis and all actions in the Circuit Court; however, they shall not govern the procedure in causes in the Probate Division or the Municipal Division unless clearly applicable.

### **100.3 Library Fund**

See Rule 5.

## **RECORDS AND FILES**

### **100.4 Storage of Records**

#### **100.4.1 Reproduction, Preservation, Archival Storage and Disposal of Original Circuit Court Files (and Their Contents)**

No Local Rule.

#### **100.4.2 Reproduction and Preservation of Court Records Other Than Files (and Their Contents)**

No Local Rule.

#### **100.4.3 Responsibility for Indexing and Preserving Court Reporter Notes**

1. Section 485.050 RSMo provides, in part: "...It shall be the duty of the official court reporter...under the direction of the Judge...to preserve all official notes taken in said Court for future use or reference..."

2. After the effective date of these rules, it shall be the duty of the official court reporters and the swing court reporters of the Circuit Court of the City

of St. Louis to index their notes, in the manner hereinafter set out and place the notes in storage boxes provided by the Circuit Clerk for future use or reference.

#### **100.4.4 Identification of Reporter's Notes**

1. In all cases except probate cases, the notes on each case shall bear the following information clearly visible in words and figures (not stenographically):

(a) Date; (b) Case number; (c) Style of case; (d) Division; (e) Judge's name; (f) Reporter's name.

2. Probate cases shall be assigned a sequential number, by the official court reporter, beginning with the number 1, and consecutively numbered thereafter for each matter recorded, for the period that the official reporter is assigned to that division. The notes on each case shall bear the following information clearly visible in words and figures (not stenographically):

(a) Date; (b) Case number; (c) Style of case; (d) Division number; (e) Judge's name; (f) Reporter's name; (g) box number; (h) reporter's sequential note number.

3. In addition to the markings in paragraph one above, notes in criminal cases shall be marked in red "Criminal" so that if at some future date all old notes may be destroyed, notes in criminal cases may be readily identifiable for longer retention than other notes.

#### **100.4.5 Index**

1. In all cases, except probate cases, a daily chronological index shall be maintained by all court reporters, listing for each day and each case reported the following:

(a) Date; (b) case number; (c) style of case and the box number in which such notes are stored.

2. In probate cases the chronological index will be maintained on a weekly basis and indexed as indicated in Rule 100.4.4.2.

#### **100.4.6 Storage of Notes**

1. After proper indexing, court reporter notes will be placed in approved storage boxes furnished by the Circuit Clerk. The storage boxes will be numbered consecutively by each reporter who will indicate on the top and one side or one end of the box, as instructed in writing by the Circuit Clerk's representative, the following:

(a) Official reporters will indicate the name of the court reporter; the commencing and concluding dates of the notes contained therein; the division number and the Judge's name.

(b) Swing reporters will indicate the name of the court reporter; the commencing and concluding dates of the notes contained therein and the word "Swing."

(c) Substitute reporters see Rule 100.4.7.

2. When each box has been filled, a copy of the chronological index of notes shall be placed in the box; a copy shall be retained by the court reporter; and a copy delivered to the Circuit Clerk's representative at the time the division messenger brings the box to the designated storage area. The Clerk's representative will sign the reporter's copy of the chronological index and indicate the date received.

3. (a) Official reporters. Official court reporters may retain boxes of notes in their respective divisions for a period not to exceed two calendar years.

(b) Swing reporters. Swing court reporters may retain boxes of notes in a designated room in locked file cabinets for a period not to exceed two calendar years.

(c) Substitute reporters. See Rule 100.4.7.

4. Boxes of notes ready for storage will be filed under the reporter's last name and not the division number of the Court, in the areas predetermined by the Clerk's office. After a period of time should the need arise to move a reporter's box of notes, the reporter shall be advised, in writing, of the new location to which his/her notes will be moved.

5. (a) The Clerk will maintain a list of all court reporter notes in each storage area. Storage rooms will be secured and no reporter shall enter a room unless accompanied by the appropriate representative of the Clerk's office. Court reporters wishing to borrow notes for official purposes will submit requests to the designated representative in the Clerk's Office. The representative will accompany reporters to the rooms to log out court reporter notes.

(b) The same procedure will be followed by court reporters in returning notes to storage.

6. Probate division court reporter notes, after proper indexing, will be placed in approved storage boxes furnished by the Clerk of the Probate Division. The storage boxes will be numbered consecutively, marked pursuant to instruction of the probate division clerk and stored in the area predetermined by the probate division clerk.

#### **100.4.7 Notes of Substitute Reporters**

1. Substitute reporters shall index their notes and transfer them to the reporter whom the substitute reporter temporarily replaced (except as indicated in

Paragraph 2) for storage with the notes of the division reporter.

2. When an official reporter of this Circuit temporarily replaces another reporter of this Circuit her/his notes shall be indexed by both reporters indicating in the "comments" column that the notes have been filed with notes of the reporter who reported the proceedings.

#### **100.4.8 Storage of Notes Upon Retirement, Termination or Death of Court Reporters**

1. Upon retirement or termination of employment of a reporter, it shall be the duty of the terminated reporter to index and box all of her/his notes so that they may be taken by the division messenger and stored in designated areas.

2. Upon the death of a reporter, the designated representative of the Circuit Clerk will box all of the deceased reporter's notes, include such index as is available, update same where possible and store in designated areas. In the event there is difficulty in completing the index the designated representative should communicate with the President of St. Louis City Circuit Court Reporters' Association for assistance.

#### **100.4.9 Boxing and Storage of Old Notes**

No Local Rule.

#### **100.4.10 Responsibility for Furnishing Materials and Space for Storage of Court Reporter Notes.**

No Local Rule. See Rule 100.4.6.

#### **100.4.11 Procedure for Examination of Criminal Records**

No Local Rule. See Rule 100.4.6.

#### **100.4.12 Procedure for Expunging and Closing Criminal Records**

No Local Rule

#### **100.4.12 Destruction of Court Reporter's Notes**

Court reporter notes may be destroyed in civil cases wherein final judgment was entered prior to January 1, 1960, and in criminal cases where defendants were sentenced prior to January 1, 1960, unless defendants are still confined or on parole.

#### **100.4.5 Clerk's Duties**

See Rules 12 and 82.

### **100.6 Office of the Jury Supervisor**

#### **100.6.1 Qualification of Jurors**

All jurors shall be summoned to appear in the Jury Assembly Room. They shall be qualified as to their competence to serve and shall be assigned from that room to the various divisions.

#### **100.6.2 Number of Jurors to be Summoned**

The number of jurors to be summoned for each week shall be determined by the Presiding Judge of the Circuit Court.

#### **100.6.3 Juror postponements**

Upon timely application by a prospective juror, the Jury Supervisor, acting in accordance with written guidelines approved by the Court en banc, may postpone that prospective juror's service to a later date.

#### **100.6.4 Rules Printed on Jury Summons**

Jury summonses shall be in such form and contain such information as the Jury Supervision Committee shall direct.

#### **100.6.5 Jury Panel Listing**

Jury Panel Sheets listing the entire group of jurors summoned on a given day and/or the jurors selected for a specific jury panel will not be exhibited to anyone without a written court order from the Presiding Judge except those whose official duties so require.

#### **100.6.6 Rules and Routine for the Jury Assembly Room**

1. The Jury Assembly Room shall be operated by the office of the Jury Supervisor for the Circuit Court. The Presiding Judge shall designate a judge in the "D" week in each week to be in charge of the Jury Assembly Room. In the necessary temporary absence of the judge in charge of the Jury Assembly Room, they may call upon any other judge presiding in a general division to perform their duties.

2. Jurors shall be assembled in the Jury Assembly Room unless the judge in charge, for good cause, shall otherwise direct.

3. A Deputy Sheriff shall be assigned to the Jury Assembly Room to preserve order, execute Court orders and expedite the movement of jury panels from the Jury Assembly Room to the various divisions.

4. The Jury Supervisor on behalf of the Circuit Court and under their supervision shall:

a. Check in all jurors and mark attendance on the jury list.

b. Keep a record of every juror whose service has been postponed for entry back into the master pool of jurors.

c. Choose random jury panels as needed for service in the various divisions and as may be designated by the Judge in charge of the Jury Assembly Room.

d. For each jury panel the Jury Supervisor shall cause to be made at least six (6) copies of a list containing all jurors on such panel. The specific number of copies are to be requested by the Deputy Sheriff. One (1) copy shall be for use in the Jury

Assembly Room; the other copies shall be given to the Deputy Sheriff for use by the trial division Judge, the courtroom Deputy Sheriff and counsel for each side.

e. After a panel has been requested and the listing thereof made, the Jury Supervisor acting on behalf of the Circuit Court, shall place the panel in the custody of the Deputy Sheriff who shall conduct the panel to the appropriate division. The Jury Supervisor shall cause additional jurors to be sent to the various divisions upon call as needed.

f. No jury panels shall issue from the Jury Assembly Room to trial divisions until such time as the presiding judge of the Jury Assembly Room determines there are present in the Jury Assembly Room sufficient jurors from which a random selection can be made.

5. The judge in charge of the Jury Assembly Room shall rule on requests to be excused, postponed or disqualified that are presented to the Jury Supervisor.

6. No judge shall request a panel until after a cause is ready for trial. The Jury Supervisor shall not provide a panel of jurors until the Court is ready to begin voir dire. Ready means that the Judge is ready to begin voir dire immediately upon receipt of the jury panel. Once the division is contacted by the Jury Supervisor that a panel is ready, the sheriff assigned to that division will have fifteen minutes to collect the panel. Failure to do so will result in the panel being assigned to the next division in line for a jury.

7. If the case for which a panel has been provided is resolved by guilty plea, settlement or otherwise, the judge may keep the jury panel assigned for that case, following notification to the Jury Supervisor, only if there is a second case ready to begin voir dire examination within fifteen minutes and the attorneys for the second case are present and prepared. If the second case is not ready to begin within fifteen minutes or if the second case is also resolved, as provided in paragraph 6 of this rule, the panel shall be returned to the Jury



Assembly Room without delay and the judge will be placed at the end of the jury panel request list. The panel may not be retained for a third case regardless of whether the third trial is ready to proceed but rather the panel shall be returned to the Jury Assembly Room.

8. All members of the panel whose services are no longer needed shall, unless otherwise directed by the Jury Supervisor, return to the Jury Assembly Room.

9. No jurors who have served during the week for which they were called shall be held over for additional service except that their service shall be continued on any jury engaged in the hearing of the case until such cause is completed.

10. All pay vouchers certifying to the number of days each juror has served shall be signed by the Office of the Jury Supervisor for those jurors who are released from the Jury Assembly Room. The Deputy Sheriff shall complete the pay voucher by certifying the number of days served by each juror who is released from the trial division. The Jury Supervisor shall from day to day discharge the jurors that will not be needed further.

11. The Office of the Jury Supervisor shall contact the judges presiding in the trial divisions no later than 4:00 p.m. each day as to whether any additional jurors will be needed that day in those respective divisions.

#### **Rule 100.7 Additional Compensation Forbidden**

No employee of the Circuit Court shall accept additional compensation for performing the regular duties of his or her employment.

#### **Rule 100.8 Family Court**

##### **100.8.1 Divisions of the Family Court.**

The Family Court in the Twenty Second Judicial Circuit shall consist of the following divisions as designated by

the Presiding Judge, which divisions shall hear and determine the following matters:

**a. Division 30 - Juvenile Division-**

1. Adoption actions and all actions and proceedings conducted pursuant to the provisions of chapter 453, RSMo;

2. Juvenile proceedings and all actions provided for in chapter 211, RSMo;

3. All actions provided for in chapter 210 RSMO other than those actions reserved for other Family Court Divisions pursuant to section 100.8.1.b.3 of this rule.

4. Guardianship proceedings that are transferred to the Family Court pursuant to section 487.090.4.

**b. Division 15 - Domestic Relations -**

1. All actions or proceedings governed chapter 452, RSMo, including but not limited to dissolution of marriage, legal separation, separate maintenance, child custody and modification actions;

2. Actions for annulment of marriage;

3. Actions to establish the parent and child relationship, except actions to establish a person as an heir, devisee or trust beneficiary for all actions provided for in chapter 210, RSMo.

4. Notwithstanding the above provisions, in those cases in which counsel for the petitioner states in writing that the case shall be uncontested, the case shall be assigned to Division 14, and in those cases pending in Division 15 that become uncontested may, at the discretion of the judge presiding in Division 15, be transferred to Division 14.

**c. Division 14-Domestic Relations**

1. Each case set forth above wherein the petitioner has stated in writing that the case is uncontested or that is transferred from Division 15 because it has become uncontested;

2. Actions for determination of support duties and for enforcement of support, including actions under the uniform reciprocal enforcement of support act and actions provided in chapter 454, RSMo;

3. Adult abuse and child protection action and all actions provided for in chapter 455, RSMo;

4. Change of name actions;

5. Marriage license waiting period waivers under chapter 451, RSMo.

d. Divisions as may be designated by the Presiding Judge as Family Courts on an interim basis.

e. Family Court actions may be consolidated pursuant to Missouri Supreme Court Rule 66.01(c).

#### **100.8.2 Appointment of Family Court Judges.**

Appointments to the Family Court shall be made by the Presiding Judge. An administrative judge of the Family Court shall be designated from one of the Family Court judges. Appointments to Divisions 14, 15 and 30 of the Family Court shall be for a term of four years unless shortened or extended with the agreement of the Family Court judge and the Presiding Judge.

#### **100.8.3 Appointment and Assignment of Family Court Commissioners.**

A majority of the circuit and associate circuit judges en banc shall appoint, subject to appropriation, three commissioners to hear Family Court cases, as provided in § 487.020 RSMo. The commissioners shall be assigned to

the division of the Family Court by the administrative judge of the Family Court.

#### **100.8.4 Appointment of Family Court Administrator.**

The Court Administrator shall be the Family Court Administrator.

#### **100.8.5 Duties of the Family Court or Court Administrator.**

The Family Court Administrator shall have the authority and responsibility as provided by law, and shall have authority to enter into cooperative agreements with other circuits for services and facilities with the approval of the Presiding Judge and the Court en banc.

#### **100.8.6 Budget of the Family Court.**

The budget of the Family Court shall be compiled and submitted in accordance with the regular procedures of the 22nd Judicial Circuit and shall be approved by the Court en banc.

#### **100.8.7 Family Services and Justice Fund.**

A Family Services and Justice Fund is established as provided by statute. The Circuit Clerk shall be responsible for collecting an additional \$30.00 fee in all matters filed after August 29, 1993, and within the original jurisdiction of the Family Court as provided by § 487.170 RSMo. The fee shall not be charged for filings under Chapter 455 RSMo. The Circuit Clerk shall, on a monthly basis, pay all sums collected under § 487.170 RSMo into the Family Services and Justice Fund and shall report to the Court Administrator the receipts and expenditures in this fund. This report shall be available for examination by all judges of this circuit.

Requests for services not currently available in the Family Court shall be directed to the Family Court administrative judge whose decision may be reviewed by the Presiding Judge if requested.

The office of the Comptroller shall be notified by the Presiding Judge or Court Administrator of those persons who have authority to approve expenditures from this fund.

**100.8.8 Available Information in the Family Court.**

Information, not otherwise confidential by law, contained in Family Court files concerning individuals or families who are parties in litigation shall be made available to the Family Court judge or commissioner who is handling the litigation. Any judge or commissioner requesting information in other Family Court files shall notify the attorneys in the pending cause of the inquiry into other files, the purpose of such inquiry and the nature of the information received.

Litigants and attorneys filing actions in the Family Court shall be required to complete a form provided by the Circuit Clerk which shall list any actions previously filed or pending in the Family Court of this circuit for a period of three years prior to the date of the present filing.

**100.8.9 Transfer of Cases in the Family Court.**

When a Family Court judge or commissioner has been involved in the handling or disposition of a Family Court matter, and subsequent litigation involving the same party or parties is filed in the Family Court, the subsequent litigation may be transferred to the Family Court judge or commissioner who heard the previous litigation, if it is in the best interests of the children involved, a party or parties and the administration of justice. In this regard, the following shall be considered:

Whether there was substantial involvement by the previous judge in hearing evidence, making findings or determining final disposition;

Whether information in the previous case is important for disposition in the present case;

Whether any party or attorney to the present action objects to the transfer of the cause to a previous judge;

Whether necessary services may be obtained without the transfer of the case;

Whether the transfer of the case will delay its final disposition.

The file in any such subsequent case shall be forwarded to the Family Court administrative judge with a recommendation from the forwarding judge. The administrative judge shall order whether the case shall be transferred.

No case shall be transferred to a judge who is no longer in the Family Court system.

A judge of the probate division may transfer a guardianship proceeding wherein a guardian of a minor is requested under Chapter 475, to the Family Court. Upon transfer the Family Court shall have jurisdiction over the proceedings including the appointment of a guardian or conservator. Upon final judgment the matter shall be transferred to the probate division for administration.

#### **100.8.10 Transfer of Cases for Services.**

Any division of Family Court shall have the full range of services that are available to another division of the Family Court and may order such services as it deems necessary and appropriate for the disposition of a case. Therefore it shall generally be unnecessary to transfer cases in order to obtain services. Temporary transfers for services however, to other divisions of the Family Court system may be allowed upon application to and agreement of the Family Court administrative judge. The decision of the administrative judge is subject to review by the Presiding Judge.

**100.8.11 Services in the Family Court.**

Services available to the juvenile and domestic relations divisions of this circuit shall be available to all divisions of the Family Court. Additional services may be provided as the need is recognized and funds are available, provided that funds from the Family Service and Justice Fund may be expended only as set forth in Rule 100.8.7. Personnel shall be transferred to the location or courtroom to provide the most efficient utilization of such services.

Services, except for all informal services provided in juvenile and domestic relations, may be requested by litigants but must be ordered by the court. Such requests shall be made so as to avoid delay in the disposition of cases. Reasonable fees, established by the Court en banc, may be charged for such services.

**100.8.12 Mediation in Domestic Relations.**

The Family Court shall take steps to encourage and utilize mediation for the disposition of domestic relations matters wherever appropriate.

**100.8.13 Tort and Criminal Matters in Family Court.**

Any tort action properly joined with any action within the original jurisdiction of the Family Court shall not be heard in Family Court but shall be placed on the civil docket unless the parties to the tort action agree in writing that the tort action may be retained in the Family Court.

In criminal actions where the defendant and victim are part of the same family unit, the judge of the division wherein the criminal action is pending may transfer the criminal matter to the Family Court only when:

(1) The defendant has waived his right to a jury trial; and

(2) both defendant and victim consent to the transfer; and

(3) the judge in the criminal division wherein the matter is pending and the administrative judge of the Family Court approve of the transfer.

**100.8.14 Appointment and Responsibilities of the Liaison Committee.**

A Liaison Committee may be appointed by the Family Court administrative judge. This committee shall meet at least quarterly and shall serve as a liaison for the professions, agencies, and organizations which utilize and provide services connected with the Family Court.

**100.8.15 Personnel.**

The Family Court Administrator shall be the Family Court appointing authority and shall appoint, by merit selection, a Chief Juvenile Officer, a Chief Deputy Juvenile Officer, a Chief Psychologist, a Chief Legal Officer, a Superintendent of Detention and all such other personnel whose positions are authorized by the Court en banc.

The Budget Committee of the Court shall have complete discretion to review the classification of personnel and the number of appointments within each classification, and to make recommendations to the Court en banc; and nothing in the disciplinary rules shall be construed to restrict said final number of appointments.

Disciplinary actions and grievances, and appeals thereof, will follow Missouri Supreme Court Administrative Rule 7, Sections 7.01.B.12 through 7.01.B.13.5(h), for which the Family Court Administrator shall act as appointing authority.



Any employee of the Family Court appointed by the judge of the Juvenile Division or by the Family Court Administrator may be removed by the Family Court Administrator in accordance with the provisions of Missouri Supreme Court Administrative Rule 7, Sections 7.01.B.11.4 through 7.01.B.11.4(b) (9). Nothing in these Local Rules or Supreme Court Administrative Rule 7 detracts from the Court en banc discretion to not re-appoint an individual to another term of office.

#### **100.8.16 Qualifications.**

The Family Court Administrator shall be responsible for hiring of the Family Court. Each person applying shall file a written application for the position applied for with the Family Court, setting out such information as may be required, and such applications shall be forwarded to the Family Court Administrator. All professional employees shall have a minimum of a Bachelor's Degree as a qualification. Applicants for the position of the Chief Juvenile Officer, Chief Deputy Juvenile Officer and Deputy Juvenile Officer Supervisors shall have a Master's Degree in social work, criminal justice, administration of justice, public administration, business administration, court management, a related field or a Law Degree. The Superintendent and Assistant Superintendent of Detention shall have a Master's Degree in social work, criminal justice, administration of justice, public administration, business administration, court management, corrections, a related field or a Law Degree. The Master's Degree or Law Degree must be from a school accredited in the chosen field. Applicants for the positions of Chief Legal Counsel and Staff Attorney shall have a Juris Doctor or Bachelor of Law Degree from an accredited school of law and shall have been admitted to the practice of law in Missouri and be a member in good standing. Applicants for the positions of Chief Psychologist and Supervising Psychologist shall have a Doctorate in Psychology from an accredited school in psychology and be a licensed psychologist in the state of Missouri.

Additional qualifications may be required commensurate with the responsibilities of each position. Each applicant shall be examined as to educational background and experience and selected in accordance with provisions of the Family Court Procedures Manual. Anyone who fails to meet the educational and experience requirements of the job description shall not be considered for the position.

#### **100.8.17 Family Court Policies and Procedures.**

For the purpose of establishing management, principles concerning the administration of the Family Court, there shall exist a Family Court Policy Manual. The Manual will be promulgated by the Family Court Administrator reviewed by the Family Court and Personnel Committees, and approved by the Court en banc. All proposed changes to the Family Court Policy Manual will be referred to the Family Court and Personnel Committees for recommendations to the Court en banc.

A Family Court Procedures Manual shall be promulgated by the Family Court Administrator for the purpose of implementing policies in a uniform and efficient manner. Family Court and Personnel Committee members shall be furnished current copies of the Family Court Procedures Manual and all changes thereto.

#### **100.8.18 Division 30 - Time Standards**

##### 1. Child Abuse and Neglect Cases

When a child is in protective custody, the following hearings shall be held:

a. A protective custody hearing as provided in Missouri Supreme Court Rule 111.13.d and 119.01.b shall be held within three days of the date the child is taken into protective custody excluding Saturday, Sunday and legal holidays.

b. An adjudication hearing shall be held within 60 days of the date the child is taken into

protective custody, as provided by Missouri Supreme Court Rule 119.01.b and § 211.032.4 RSMo.

c. A dispositional hearing shall be held within 90 days of the date the child is taken into protective custody, as provided by Missouri Supreme Court Rule 119.01.b and § 211.032.4 RSMo.

d. A dispositional review hearing shall be held every 90 - 120 days after the dispositional hearing for the first twelve months in which the child is in the custody of the children's division, as provided by Missouri Supreme Court Rule 119.01.c and § 211.032.4 RSMo.

e. A permanency hearing shall be held within 12 months of the date the child is taken into protective custody and at least annually thereafter unless the court has previously determined that the children's division is not required to make reasonable efforts to reunify the family in which case the permanency hearing shall be held within 30 days of the date in which such determination was made and at least annually thereafter, as provided by Missouri Supreme Court Rule 119.01.c and § 210.720 and § 211.183.8 RSMo.

f. Post permanency hearings shall be held as often as necessary after each permanency hearing, but at least every six months during the period in which the child remains in children's division custody, as provided by Missouri Supreme Court Rule 119.01.c and § 211.032.4 RSMo.

## 2. Delinquency Hearings

As provided in Missouri Supreme Court Rule 119.01(a), if the child who is the subject of the petition or motion to modify is in detention, the hearing to

adjudicate the petition or motion to modify shall be scheduled for the earliest possible date.

a. A legal petition or motion to modify shall be filed within 24 hours of when a child is taken into detention as provided in Missouri Supreme Court Rule 111.07a and § 211.061.3 RSMo.

b. A detention hearing shall be held within three days of the date the child is taken into detention excluding Saturday, Sunday and legal holiday as provided in Missouri Supreme Court Rule 111.07c and § 211.061.4 RSMo.

c. If the petition or motion to modify alleges a misdemeanor, the court shall make every attempt to dispose of the case by plea or trial within 14 calendar days from the date the petition was filed.

d. If the legal petition or motion to modify alleges a felony offense, other than a sex offense or recommendation for certification, the court shall make every attempt to dispose of the case by plea or trial within 35 calendar days from the date the petition was filed.

e. If the legal petition or motion to modify alleges a sex offense, the court shall make every attempt to dispose of the allegations within 50 calendar days from the date the petition or motion was filed and, if adjudicated, enter a disposition within 35 days from the date of adjudication.

f. If the legal petition or motion to modify alleges an offense that is eligible for certification and the juvenile officer recommends certification, the court shall make every attempt to dispose of the case within 50 calendar days from the date the petition was filed.

g. If the child was not detained and a petition or motion to modify will be filed, the juvenile officer shall make every attempt to file within 15 working days from receipt of the referral.

h. If a child is not detained or released prior to the scheduled detention hearing, the court shall make every attempt to hold a status conference within 3 working days from the date the petition or motion to modify was filed in order to set a date for adjudication/disposition.

i. Probation Violations

1. If a probation violation motion is filed and the child is not detained or is released prior to a detention hearing, the court shall make every attempt to hold a status conference within 3 working days from the date the motion was filed in order to set the date for adjudication/disposition by plea or trial.

2. If the recommendation is continued official court supervision, the adjudication/disposition hearing may be held at the status conference or detention hearing but the court shall make every attempt to hold the adjudication/disposition hearing no later than 14 calendar days from the date the motion is filed.

3. If a motion was filed alleging a probation violation and the recommendation of the juvenile officer is for residential placement, the court shall make every attempt to hold the adjudication/disposition hearing within 35 calendar days from the date the motion was filed.

4. If a motion is filed alleging a probation violation and the juvenile officer recommends commitment to the Division of Youth Services, the adjudication/disposition hearing may be held at a status conference but the court shall make every attempt to hold the hearing no later than 14 calendar days from the date the motion is filed.

#### **100.9 Domestic Relations Department of Investigation**

The personnel of the staff of the Domestic Relations Department of Investigation shall consist of a Chief of Domestic Relations, Deputy Juvenile Officer and such other personnel as may be approved by the Circuit Court en Banc. All of such personnel shall have the qualifications, be appointed, and removed in accordance with the provisions of Rule 100.8.

#### **100.10 Circuit Court en Banc**

##### **100.10.1 Court en Banc Sessions**

The Circuit Court shall hold regular en banc sessions during each non-jury week as fixed by the calendar, except during the summer trial term. Special en banc sessions may be called at the request of six or more Circuit or Associate Circuit Judges. Notice of a call for a special en banc session shall specify all matters to be considered at the special session and no other matter may be considered at such meeting unless by consent of all the Associate and Circuit Judges of the Court. Robert's Rules of Order shall govern the proceedings at Court en banc sessions except as otherwise provided by the constitution and statutes of the State of Missouri.

##### **100.10.2 Quorum**

A majority of all the Judges shall constitute a quorum for the transaction of business of the Circuit Court en Banc. No alteration in the Rules of the Circuit Court shall be made without the concurrence of a majority of all the Circuit Judges of the Court.

### **100.10.3 Voting**

Voting at a session of the Circuit Court meeting en banc shall be restricted to the Judges who are in attendance at such session and cast their vote in person.

### **100.10.4 Secretary**

The circuit clerk shall act as Secretary to the Circuit Court en Banc.

### **100.10.5 Minutes**

The circuit clerk shall cause a draft of the minutes of every session of the Circuit Court en Banc to be delivered to each Judge within fifteen days from the date the session is held.

## **100.11 Office of the Court Administrator**

### **100.11.1 Court Administrator**

The Court en banc shall appoint a Court Administrator. The Court Administrator may be removed by the Court en banc at its discretion by majority vote of the judges attending a meeting of the Court en banc. The proposed removal of the Court Administrator must be on the agenda of the regular or special meeting of the Court en banc.

The Court Administrator shall appoint by merit selection, an assistant court administrator, a pre-trial release commissioner, a human resource manager, a criminal docket controller, an information systems manager, a business office manager, and such other persons whose positions are authorized by the Court

en banc. These employees and their offices shall be considered part of the Court Administrator's office for organizational, budgeting, and personnel purposes. The appointment of such personnel is subject to approval of the presiding judge. Personnel appointed pursuant to this rule may be removed by the Court Administrator. The authority of the Court Administrator to remove such persons includes all persons who occupy positions that were previously appointed by the Court en banc.

The Budget Committee of the Court shall have complete discretion to review the classification of personnel and the number of appointments within each classification of personnel and to make recommendations to the Court en banc, and nothing in the disciplinary rules shall be construed to restrict said final Court en banc authority on personnel classification and the number of appointments.

#### **100.11.2 Qualifications**

The Court Administrator of the Circuit, to be appointed by the Circuit Court en banc, shall possess the following minimum qualifications: a Master of Arts Degree in Public Administration, Business Administration or a Law Degree. Experience should include 3 to 5 years of progressively responsible supervisory or professional positions in management or administration with 3 to 5 years in court management or court administration.

The Court Administrator shall be responsible for the hiring process in the Office of the Court Administrator. Each person applying shall file a written application for the position applied for with the Court Administrator's Office setting out such information as may be required and such applications shall be forwarded to the Court Administrator or his designee. All professional employees shall have a minimum of a Bachelor's Degree as a qualification. The Court Executive Assistant and Assistant Court



Administrator shall have a Master's Degree in Public Administration, Business Administration or a Law Degree. Other employees considered to be professional and required to have at a minimum a Bachelor's Degree are the Pre-Trial and Assistant Pre-Trial Release Commissioners, the Personnel Officer, and the Data Processing Manager.

Additional qualifications may be required commensurate with the responsibilities of each position. Each applicant shall be examined as to his educational background and experience and selected in accordance with the merit provisions of the Procedures Manual of the Office of the Court Administrator. Anyone who fails to meet the educational and experience requirements of the job description shall not be considered for the position.

### **100.11.3 Office of the Court Administrator Policies and Procedures**

For the purpose of establishing management principles concerning the administration of the Office of the Court Administrator there shall exist an Office of the Court Administrator Policy Manual. The Manual will be promulgated by the Court Administrator, reviewed by the Personnel Committee and approved by the Court en banc. All proposed changes to the Office of the Court Administrator Policy Manual will be referred to the Personnel Committee for recommendations of the Court en banc.

An Office of the Court Administrator Procedures Manual shall be promulgated by the Court Administrator for the purpose of implementing the Office of the Court Administrator policies in a uniform and efficient manner. Personnel Committee members shall be furnished current copies of the Office of the Court Administrator Procedures Manual and all changes thereto.

### **100.12 Political Activity of Court Employees**

1. Court employee is defined as the person who is subject to the hiring and firing authority of the Court. Political activity of Court employees shall be in compliance with the Code of Judicial Conduct.
2. An employee who shall purposefully violate this rule shall be subject to dismissal or other appropriate disciplinary action.

### **100.13 State Court Employees**

The procedures in filling authorized positions with new employees or appointment of employees to authorized positions shall be consistent with Supreme Court Operating Rule 7 and the Court's Personnel Policy Manual.

### **100.14 Treatment Court**

#### **100.14.1 Purposes of the Treatment Court**

To provide a treatment-based alternative to prison, jail, and probation for non-violent, low-risk criminals to the end that participants will lead crime-free lives.

#### **100.14.2 Appointment of Treatment Court Commissioner**

The Court en banc shall appoint a Treatment Court Commissioner. The Treatment Court commissioner shall be under the supervisory authority of the chairperson of the Treatment Court Committee as established per Rule 100.14.6. All orders, judgments and decrees of the Treatment Court Commissioner shall be confirmed or rejected by a judge on the Treatment Court Committee; if they are unavailable, by any circuit or associate circuit judge.

#### **100.14.3 Appointment of Treatment Court Administrator**

The Court Administrator may appoint a Treatment Court Administrator, who shall serve at will.

#### **100.14.4 Duties of Treatment Court Administrator**

The Treatment Court Administrator shall be under the supervisory authority of the Treatment Court Commissioner and Treatment Court Committee and shall assist the Treatment Court Commissioner in the administration of the Treatment Court.

#### **100.14.5 Budget of the Treatment Court**

The budget of the Treatment Court shall be compiled and submitted in accordance with the regular procedures of the 22nd Judicial Circuit and shall be approved by the Court en banc.

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#### **100.14.6 Treatment Court Committee**

A Treatment Court Committee is established as a standing committee of the 22<sup>nd</sup> Judicial Circuit and shall be composed of four judges: the judge presiding in Division 25, the judge presiding in the Juvenile Division, two judges appointed by the presiding judge and one Treatment Court commissioner appointed by the presiding judge. The chairperson shall be named by the presiding judge. The committee shall meet when convened by the chairperson for purposes of consultation; approval of the current Treatment Court Programs; approval of any new programs or grant applications; approval and submission of the Treatment Court's budget to the Budget Committee; establishment and approval of the criteria for the admission of defendants into the Treatment Court program; and approval of the Treatment Court Manual, as provided for in Rule 100.14.7.

#### **100.14.7 Treatment Court Policies and Procedures**

For the purpose of establishing management principles concerning the administration of the Treatment Court, there shall be a Treatment Court Policy Manual. The manual shall be prepared by the Treatment Court Administrator, reviewed by the Treatment Court Committee, and approved by the Court en banc. All

proposed changes shall be referred to the Treatment Court Committee, and shall be approved by the Court en banc.

#### **100.14.8 Assignment of Cases to Treatment Court**

The Treatment Court Commissioner shall, following the arrest of a defendant, and upon being satisfied that a case meets the criteria established pursuant to Rule 100.14.6, that the Circuit Attorney has determined that the defendant is a non-violent person, and that the parties have agreed to the assignments, assign the case to Treatment Court.

#### **100.14.9 Transfer of Cases in Treatment Court**

The Treatment Court Commissioner may transfer any case pending in Treatment Court to the Presiding Judge for trial assignment or to Division 25, as is appropriate, for further proceedings.

#### **100.15 Court Reporters**

Each circuit judge may appoint an official court reporter pursuant to section 485.40 RSMo, and shall supervise the court reporter so appointed.

#### **100.16 Legal Staff**

The Court shall have a legal staff, comprising a chief of the legal staff and such staff attorneys and law clerks as the Court may authorize from time to time. The members of the legal staff shall be appointed, and may be removed, by the Court en banc. The chief of the legal staff shall be supervised by the assistant presiding judge, and the staff attorneys and law clerks shall be supervised by the chief of the legal staff. The compensation of the members of the legal staff shall be set by the assistant presiding judge, subject to any pay schedule and plan that may be established by the Court en banc. The staff attorney/docket coordinator will continue to report to the presiding judge.

**100.17 Social Functions Under Supervision of Law Library Association**

Pursuant to § 574.075, RSMo, as amended 2001, the Law Library Association is authorized to conduct social functions on the 12<sup>th</sup> and 13<sup>th</sup> floors of the Civil Courts Building, including mezzanines, and in other locations in the Civil Courts Building as authorized by the presiding judge. Such social functions may be conducted through a suitable contractor/caterer. The Law Library Association shall provide the presiding judge with a certificate of insurance showing the Court and the City as named insureds for each event.