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Dent County - July 1, 2008.

Crawford County - January 1, 2009.

All rules herein inconsistent with the filing of documents in a unified court clerk system shall be abrogated as each county becomes consolidated and the rules pertaining to the Office of Circuit Clerk shall be followed as to each unified office after consolidation.

RULE 2 - HOURS AND TERMS OF COURT

2.1 HOURS OF COURT

All sessions of Court, Division I and II, will convene at 9:00 A.M., unless otherwise designated and all sessions of court will be opened each morning by the formal announcement of the Sheriff or his deputy.

Prior to the commencing of any jury trial, the attorneys are requested to appear in court at 8:30 A.M., in the Judge's chambers for a pre-trial conference in accordance with Supreme Court Rule 62.01 and 24.12.

The Court will observe the following holidays:

January 1, 2008 - New Year's Day will be observed;
January (third Monday) - Martin Luther King Day;
February 12 - Lincoln's Birthday observed;
February (3rd Monday) - Washington's Birthday;
May 8 - Truman's Birthday observed;
May (Last Monday) - Memorial Day;
July 4 - Independence Day;
September (first Monday) - Labor Day;
October (second Monday) - Columbus Day;
November 11 - Veteran's Day;
November (fourth Thursday) - Thanksgiving Day;
December 25 - Christmas Day

When any such holidays fall upon Sunday, the Monday next following shall be considered the holiday. When any such holidays fall upon Saturday, the Friday before that said Saturday shall be considered the holiday.

2.2 TERMS OF COURT

To the extent that Terms of Court are required by provisions of law, the following Terms of Court are established for the Circuit in lieu of those specified in Section 478.205, RSMo.

CRAWFORD COUNTY:

1st Monday in March; 3rd Monday in July; and 2nd Monday in November.

DENT COUNTY:

4th Monday in January; 1st Monday in May; and 4th Monday in October.

IRON COUNTY:

3rd Monday in March and 2nd Monday in September.

REYNOLDS COUNTY:

1st Monday in March and 4th Monday in August.

WAYNE COUNTY:

3rd Monday in January and 1st Monday in July.

When any Term Day falls on a National or Legal Holiday, the Term Day shall be held the following day.

2.3 LAW DAYS

Regular Law Days will be held within the Circuit as follows:

TERMS OF COURT & LAW DAYS - DIV. I & II - 42ND JUDICIAL CIRCUIT - 2008

TERMS OF COURT UNDERLINED

CRAWFORD COUNTY - DIV. I

1st Thursday in January - January 3

CRAWFORD COUNTY - DIV. II

4th Wednesday in January - January 23

1st Wednesday in February - February 6

1st Monday in March - March 3

1st Wednesday in April - April 2

2nd Wednesday in May - May 14

1st Tuesday in June - June 3

1st Wednesday in July - July 2

2nd Wednesday in August - August 13

1st Wednesday in September - September 3

2nd Wednesday in October - October 8

***2nd Monday in November - November 10**

2nd Wednesday in December - December 10

DENT COUNTY - DIV. I

2nd Tuesday in January - January 8

2nd Wednesday in February - February 13

2nd Tuesday in March - March 11

2nd Thursday in April - April 10

1st Monday in May - May 5

1st Friday in June - June 6

2nd Tuesday in July - July 8

1st Friday in August - August 1

2nd Tuesday in September - Sept. 9

2nd Friday in October - October 10

3rd Tuesday in February - February 19

3rd Tuesday in March - March 18

3rd Tuesday in April - April 15

3rd Tuesday in May - May 20

3rd Tuesday in June - June 17

3rd Monday in July - July 21

3rd Tuesday in August - August 19

4th Wednesday in September - Sept. 24

3rd Wednesday in October - October 15

4th Tuesday in November - November 25

3rd Tuesday in December - December 16

DENT COUNTY - DIV. II

4th Monday in January - January 28

4th Tuesday in February - February 26

4th Tuesday in March - March 25

4th Tuesday in April - April 22

3rd Friday in May - May 16

4th Tuesday in June - June 24

3rd Thursday in July - July 17

3rd Friday in August - August 15

4th Monday in September - Sept. 22

4th Monday in October - October 27

1st Wednesday in November – November 5

1st Thursday in December - December 4

IRON COUNTY - DIV. I

5th Tuesday in January - January 29

3rd Monday in March - March 17

3rd Tuesday in April - April 15

1st Wednesday in June - June 4

4th Thursday in August - August 28

3rd Thursday in October - October 16

3rd Thursday in December - December 18

REYNOLDS COUNTY - DIV. I

2nd Thursday in February - February 14

2nd Wednesday in April - April 9

1st Thursday in June - June 5

4th Monday in August - August 25

3rd Tuesday in October - October 21

2nd Friday in December - December 12

WAYNE COUNTY - DIV. I

****3rd Monday in January - January 21 (22)**

Third Wednesday in February - February 20

3rd Thursday November - November 20

3rd Thursday in December - December 18

IRON COUNTY - DIV. II

3rd Tuesday in January - January 15

2nd Wednesday in February - February 13

1st Thursday in April - 3

2nd Tuesday in May - May 13

3rd Tuesday in July - July 15

2nd Monday in September - September 8

2nd Wednesday in November - November 12

REYNOLDS COUNTY - DIV. II

2nd Tuesday in January - January 8

1st Monday in March - March 3

1st Tuesday in May - May 6

2nd Monday in July - July 14

3rd Monday in September - September 15

3rd Tuesday in November - November 18

WAYNE COUNTY - DIV. II

1st Thursday in January - January 3

1st Tuesday in February - February 5

Third Tuesday in March - March 18

1st Thursday in March - March 6

4th Tuesday in April – April 22

2nd Tuesday in April – April 8

3rd Tuesday in May – May 20

1st Wednesday in May – May 7

4th Tuesday in June – June 24

1st Tuesday in June – June 3

4th Tuesday in July – July 22

1st Monday in July – July 7

4th Tuesday in August – August 26

2nd Tuesday in August – August 12

4th Tuesday in September – September 23

2nd Tuesday in September – September 9

4th Tuesday in October – October 23

3rd Friday in October – October 17

3rd Wednesday in November – November 19

1st Wednesday in November – November 5

3rd Tuesday in December – December 16

1st Tuesday in December – December 2

****Div. I Jan. 21 Wayne Co. Law Day & 1st Day of Term will be Jan. 22 - Jan.21 is a holiday**

When any Law Day falls on a National or Legal Holiday, the Law Day shall be held the following day.

Special Law Days may from time to time be scheduled for taking up any matters designated by the Court.

The Judge of the Associate Divisions shall set Law Days to expedite the business of the Court.

2.4 PARTICULAR MATTERS ON PARTICULAR DAYS

All default matters, motions (Pendente lite Motions excepted), objections to interrogatories and requests for admissions may be heard on Law Day or Term Day or at other times by consent of the parties and of the Court. At least ten (10) days prior to hearing, a written request for hearing on such matters shall be made to the Clerk and a copy of such request shall be served on all counsel of record and parties pro se. The Clerk shall prepare a docket for Law Day and Term Day, including arraignments, pleas of guilty, sentencing of defendant(s) and related criminal matters.

Hearings on Pendente lite Motions shall be obtained in the same manner as dates for setting for trial. See Rule 36.1.

Uncontested adoptions shall be heard on Law Days and Term Days at 11:00 A.M. Adoption cases shall be listed on Law Day or Term Day docket by numbers only. Contested adoptions may be set for hearing in the same manner as other Civil cases are set for trial.

Juvenile matters, other than adoptions, shall be scheduled for hearings by the Juvenile Officer on such dates as are designated for juvenile hearings. Juvenile matters, other than adoptions, will not be heard on regular Law Days unless specifically set by the Court.

RULE 3 - PLEADINGS

The address of each attorney of record, or of the firm of each attorney of record, shall appear on all pleadings filed. Any pleading filed pro se shall contain the address of the party filing that pleading.

3.1 CAPTION

In so far as is reasonably practical, pleadings which are filed within this Circuit shall be captioned in the following manner:

(a) Probate Cases

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI
Probate Division
In the Estate of John Doe,
Deceased Case No. _____

(b) Juvenile Cases

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI
Juvenile Division
In the Interest of
John Smith Case No. _____

(c) Municipal Cases

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI
(Name of City) Municipal

City of _____, Plaintiff
Vs
Joe Roe, Defendant Case No. _____

(d) Small Claims Cases

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI
Small Claims
Mary Smith, Plaintiff
Vs
Joe Roe, Defendant Case No. _____
A. J. Division

(e) Other Cases

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI
_____, Plaintiff
Vs
_____, Defendant Case No. _____
Circuit Judge, Division _____
Associate Division

3.2 STYLE

All pleadings and motions intended for filing in any case shall be legibly written on one side of the paper only, either typewritten or printed, double-spaced. All such pleadings and other papers, except exhibits, shall be on paper 8 1/2 by 11 inches in size. All pleadings and motions shall be signed by the party or his attorney offering the same for filing together with the address and telephone number of the trial attorney in the case; shall be captioned with the style and number of the case, the character of the pleadings and motions, and, if a petition, the name of the suit and, if consisting of more than one sheet, shall be securely bound at the top and with page numbers at the bottom. Paragraph of pleadings shall be numbered consecutively. An attorney offering a paper for filing may sign it on behalf of a law firm or attorney when duly authorized to do so; but he must also subscribe his own signature on said paper. (The attorney whose signature is affixed to the pleading or paper shall be deemed to be the trial attorney in the case). Where service of summons or other pleading is requested, a copy of the pleading for each party to be served shall be filed and shall include the address for each party to be served.

RULE 4 - FILING OF CASES

The Circuit Clerk shall accept for filing and shall maintain the Court files for all cases to be heard in Division One or Two of the Circuit Court or which may be heard upon special assignment by an Associate Circuit Judge.

The Clerk of the Circuit Court shall be responsible for assigning a number to each case filed in the office of the Circuit Clerk, in the order in which said cases are filed. All cases assigned an odd file number are automatically assigned to Division I and the Clerk shall make that designation on the pleadings. All cases assigned an even file number are automatically assigned to Division II and the Clerk shall make that designation on the pleadings.

Where multiple suits arising out the same transaction or occurrence are filed, or where multiple suits by the same plaintiff or plaintiffs are filed, all such cases shall be assigned to the Division to which the first of such cases was assigned under this rule .

If there is more than one criminal case filed against the same defendant or defendants, all such cases shall be assigned to the Division to which the first of such cases was assigned under this rule.

The Associate Division Clerk shall be responsible for assigning a number to each case filed in that Division as the Judge of such Division may direct.

The Division Clerk of each Associate Circuit Judge shall accept for filing and shall maintain the Court files for all Probate cases in the county and for all other cases to be heard by the Associate Circuit Judge, except those files for cases heard by special assignment.

4.1 CRIMINAL CASES

All cases of misdemeanor or infraction should be filed with the division clerk of the Associate Division.

All complaints charging a felony shall be filed with the division clerk of the Associate Division of the Circuit Court.

All indictments shall be filed in the office of the Circuit Clerk.

4.2 CIVIL CASES

All petitions filed in Civil cases shall be filed with the appropriate Circuit Clerk or Associate Circuit Court Division Clerk. All petitions shall be

filed with sufficient number of copies for service on all defendants upon whom service is required.

All In Forma Pauperis filings shall be accompanied by verified Income and Expense Statements.

All civil cases to be initially heard on the record other than those specified in Rule 6, including dissolutions of marriage, legal separation and separate maintenance proceedings; motions to modify decree of dissolution of marriage, legal separation, separate maintenance, child custody and child support; and any other motions or actions brought pursuant to Chapter 452, RSMo shall be filed with the Circuit Clerk and shall be heard and determined by a Circuit Judge or by an Associate Circuit Judge upon special assignment by the Presiding Circuit Judge.

Pursuant to Supreme Court Rule 54.21, if process is not served in any civil case within 30 days after its date of issue, time for service is herewith extended an additional 30 days in said case and this shall be deemed an order of Court so directing.

4.3 PROBATE CASES

See Rule 4.

4.4 JUVENILE CASES

- (1) The Clerk of the Circuit Court shall be responsible for assigning a number to each case filed in the office of the Circuit Clerk, in the order in which said cases are filed. Divisions I and II shall have concurrent jurisdiction in all juvenile cases.
- (2) Division II shall be the Juvenile Division and shall have original jurisdiction of all juvenile cases and shall be responsible for the administration of the 42nd Judicial Circuit Juvenile Office, subject to the directions of the Presiding Judge. Division III of Iron County shall serve as Juvenile Judge in the absence of Division II.
- (3) The Associate Circuit Judge of each county shall have jurisdiction to hear all juvenile proceedings in the absence or unavailability of the Juvenile Division Judge and shall be responsible for hearing all 72 hour hearings in weeks in

which there is no Juvenile Law Day or regular Law Day by the Juvenile Division.

4.5 SMALL CLAIMS CASES

See Rule 6.

4.6 MUNICIPAL CASES

Municipal Ordinance violation cases for municipalities which provide Municipal Judges shall be filed at the site of the appropriate Municipality with those Clerks provided for that purpose by the respective Municipalities and shall be heard and determined by the appropriate Municipal Judges. When a Municipal Judge is disqualified, the case shall be transferred to the Associate Circuit Judge of the county in which the municipality or a major portion thereof is situated.

4.7 FACSIMILE FILING AND SERVICE

(1) Authority for Rule

This rule is promulgated under the authority conferred in Missouri Supreme Court Rules.

(2) Facsimile Filing Authorized

(a) Any pleading or other document including an original filing, may be filed in any division of this Court having, maintaining or designating a facsimile machine for the receipt of such transmissions, by transmission of the same to such facsimile machine.

(b) Any pleading or document filed by facsimile transmission shall have the same effect as the filing of the original document, even though it may be required to be verified, acknowledged or sworn to by some other method.

(c) The pleading or document shall be deemed filed, subject to subparagraphs (3) and (4) of this rule, on the date and at the time actually received at the office of the clerk.

(d) If the document is not received by the clerk, or if any part of it is illegible, it is deemed not filed.

(e) Subject to subparagraph (3) of this rule, the person filing a pleading or other document by facsimile transmission shall retain the original, and make it available upon order of the Court.

(3) When Filing Fee or Deposit Required and Waiver

(a) If the pleading or document is one which requires a filing fee or deposit, the filing of the same by facsimile transmission is conditioned upon receipt of the required fee or deposit by the clerk. Payment of filing fee for incoming fax transmission shall be accomplished only through pre-payment, unless otherwise ordered by the Court.

(b) If the pleading or document is to be filed under the provisions of S.Ct. Rule 77.03 or any other law allowing filing without a deposit, a motion to file the same without fee or deposit, and a proposed order allowing the same, shall be transmitted with the first facsimile transmission. The same shall be presented to the Court at the earliest opportunity for ruling. If leave is granted, the filing shall relate back to the date and time or receipt of the original transmission. If leave is denied, the filing is stricken, unless otherwise ordered by the Court.

(c) If the provisions of the preceding paragraphs (a) and (b) are not complied with, the Court may strike any pleading or document so filed, or make such other or further orders as it deems appropriate.

(d) No summons or process shall be required to be issued by the clerk until receipt of the fee or order allowing filing without fee or deposit.

(4) Court Orders Transmitted by Facsimile Transmission

Court orders, judgments or decrees, including warrants and search warrants, may be transmitted to the clerks of the various divisions or others by facsimile transmission, and they shall have the same effect and be acted upon by all persons as if they were the original executed by the Court.

(5) Service by Facsimile Transmission

(a) When service by ordinary mail or personal delivery is provided by Mo.S.Ct. Rule 43.01 or otherwise by law, such service may be made by facsimile transmission of a copy to any attorney or party to be served who maintains a device for receipts of facsimile transmission.

(b) Publishing a facsimile phone line number by pleading, letterhead or listing in a telephone directory or otherwise, constitutes prima facie maintenance of a device for receipt of facsimile transmission.

(c) Risk of loss in transmission, receipt or illegibility of the document transmitted by facsimile is upon the sender.

(d) The document is presumed delivered and served, unless otherwise indicated by the readout of the sender's device, to the phone number indicated by the sender's readout and at the date and time of the end of transmission. The sender shall maintain a printout of such readout and file the same if ordered by the Court.

(6) Service - How Shown

Proof of service by facsimile machine shall be made by the person causing the paper to be transmitted. Such proof of service shall indicate the telephone number to which the paper was transmitted and the method of confirmation that the transmission was received.

(7) Facsimile Archive

All facsimile motions, petitions, writs, orders, etc., must be on archival paper. Those clerks office utilizing facsimile machines with thermal facsimile paper must make a copy of the facsimile paper or document transmitted and file the copy of the facsimile transmission as the original document in the file.

(8) Costs for Receipt of Transmission by Facsimile

(a) The maintenance of a facsimile device by a clerk's office and rules allowing filing by facsimile transmission

benefit primarily the person desiring to file by this method of transmission.

It causes the clerks of the Court system additional expense to acquire and maintain a device and phone line to receive those transmissions, and often to transfer the transmission to archival quality paper.

(b) The clerk of a division maintaining a device to receive or send facsimile transmissions shall charge the persons or entity filing by facsimile 50 cents per 8 1/2 by 11 inch page for receiving and processing such document, and up to \$1.00 per 8 1/2 by 11 inch page for document transmission.

(c) Nothing in this rule shall require a clerk of any division to maintain a device for or require them to transmit any document by this method.

(d) Nothing in this rule shall required the clerk of any division to maintain, designate or receive facsimile transmission outside regular office hours or regular business days.

(e) Unless a party is not subject to paying costs or expenses by law or Court order, the actual per page charge presented by the clerk of a division to the person or entity sending or receiving a facsimile transmission for receipt or transmission of facsimile documents shall:

(i) be paid upon receipt by the person or entity; or

(ii) be subject to additional filing deposit by the clerk as provided in these rules; or

(iii) be taxed as costs by the Court or clerk to the party for whom the facsimile charge was incurred.

(9) Business Day Defined

A business day is any day, not a Saturday, Sunday, or holiday recognized as such by the Missouri Supreme Court through the Office of the State Courts Administrator.

(10) Effect of Facsimile Signature

A facsimile signature shall have the same effect as an original signature.

RULE 5 - FEES AND COSTS

5.1 FILING FEE AND COST DEPOSIT

(1) All Circuit civil and domestic cases shall be accompanied by a filing fee of \$200.00 at time of filing, together with separate service of summons fees when service is necessary.

(2) In all civil cases which require a Guardian ad Litem, an additional \$100.00 shall be required as a cost deposit.

(3) In all cases in which publication is ordered, other than cases filed by a Juvenile Officer, an additional \$125.00 cost deposit shall be posted before publication commences, unless counsel files a written statement assuming personal responsibility for the publication costs.

(4) In all domestic relations cases in which a Guardian ad Litem is appointed, each party shall post an additional \$250.00 for cost deposit.

Cost deposits and Sheriff's service fees as required by law shall be paid at the time of filing suit.

5.2 TIME PAYMENT FEE FUND

In each county, a fund to be known as the Time Payment Fee Fund may be established. In all cases where a Time Payment Fee has been assessed and collected pursuant to Section 488.5025, RSMo. 2003, Ten Dollars (\$10.00) of each such fee shall be paid to the Circuit Clerk of the county, or his/her designee, to be maintained in the Time Payment Fee Fund, which said fund is to be utilized by the Court to improve, maintain and enhance the ability to collect and manage moneys assessed or received by the Courts to improve case processing, enhance Court security, preservation of the record, or to improve the administration of justice. Moneys in the Time Payment Fee Fund of each county shall be expended

only upon vouchers executed by the Court en Banc of the 42nd Judicial Circuit for the purposes set out above.

5.3 WITNESS FEE

Witness fees shall not be allowed unless claim therefor shall be made to the Circuit Clerk. The attorney causing any witness to be subpoenaed is responsible for seeing that proper claim is made.

5.4 WAIVER OF FEES

(No local rule)

5.5 MOTION FOR SECURITY

A verified motion for costs shall be sustained upon its filing, without argument, and plaintiff ordered to deposit not less than \$200.00 cash or post a cost bond within ten (10) days of service of said motion, unless an application to sue as a poor person or counter-affidavit is filed by or on behalf of plaintiff. In such cases, the Court will determine whether or not a cost bond is required.

RULE 6 - ASSIGNMENT OF JUDGES, CASES AND TRANSFER OF CASES

6.1 ASSIGNMENT TO ASSOCIATE CIRCUIT JUDGES

6.1.1 BY LOCAL COURT RULES OR ORDER

The following cases shall be filed in the office of the Division Clerk of the Associate Circuit Judge for the appropriate county within the Forty-Second Judicial Circuit and shall be heard and determined in that Division by an Associate Circuit Judge unless otherwise transferred as provided by these rules:

- (1) All Civil actions and proceedings for the recovery of money when the sum demanded, exclusive of interest and costs, does not exceed \$25,000.00.
- (2) All cases of misdemeanor or infraction.
- (3) Felony cases prior to the filing of the information.
- (4) Municipal Ordinance violation cases of any municipality in the county for which municipality no Municipal Judge is provided.

(5) "Small Claims" cases, as provided in Section 482.300 through 482.365, V.A.M.S.

(6) All actions for replevin, attachment and mechanics' lien in which the recovery sought, exclusive of interest and costs, does not exceed \$25,000.00.

(7) Actions for unlawful detainer and actions for rent and possession.

(8) All trial de novo proceedings from Municipal Divisions, except when said Municipal proceedings have been heard by an Associate Circuit Judge, in which case, said appeal shall be directed to the Circuit Court of the county in which the Municipal proceeding was held.

(9) All Probate proceedings.

(10) All actions against any railroad company in this state for damages for killing or injuring any animal.

(11) All actions seeking issuance or reinstatement of a driver's license or driving privileges.

(12) Such other cases that could be heard and determined by an Associate Judge without assignment as an acting Circuit Judge under provisions of the law in effect on January 1, 1979.

Associate Circuit Judges of the counties within the Forty-Second Judicial Circuit may also hear and determine the cases or the type or classes of cases as hereafter stated in this Rule which are pending in that county for which the Associate Circuit Judge sits without special assignment.

(a) All adult abuse cases, RSMo 455.010 et. seq., including ex-parte hearings and orders and hearing on full orders of protection and orders thereunder.

(b) All child protection cases, RSMo 455.500 et. seq., including ex-parte hearings and orders and hearing on full orders of protection and orders thereunder.

(c) Hearings and issuance of orders in juvenile matters when requested by a Juvenile Officer.

Each Associate Circuit Judge within the Circuit may hear and determine any uncontested civil or criminal case pending in any county of the Circuit without specific assignment by the Presiding Judge when and only when requested by all parties not in default. The term "uncontested" as used in this paragraph means a civil case which is in default or has been settled or a criminal case where a guilty plea is to be entered. The Associate Circuit Judge hearing a case under this paragraph shall make a docket entry assuming jurisdiction before proceeding.

An Associate Circuit Judge hearing a Circuit division case may check out the file in the case and proceed with trial thereof. In hearing and determining such cases, Associate Circuit Judges shall follow the procedure and practice which is regularly applicable before Circuit Judges and a record of such proceedings shall be maintained. Upon conclusion of such a case by an Associate Circuit Judge, the Court file shall be returned to the Circuit Clerk for filing as a completed case.

6.1.2 SPECIAL ASSIGNMENT

There is hereby established the position of Drug Court Administrative Judge, which Judge shall exercise the oversight of the Drug Court Commissioner as contemplated by Section 478.003 RSMo. In the absence of the Drug Court Administrative Judge, the Presiding Circuit Judge may exercise the same duties . The Drug Court Administrative Judge shall be elected by a majority of the Judges present at the En banc Meeting at which the Presiding Judge is elected. All cases of criminal defendants placed in the various Drug Courts in the Circuit shall automatically be assigned to the Drug Court Administrative Judge who shall assume jurisdiction without further Order.

6.2 ASSIGNMENT TO CIRCUIT JUDGES

See Rule 6.5.

6.3 CERTIFICATION TO CIRCUIT DIVISION

(No local rule)

6.4 TRIAL de NOVO

(No local rule)

6.5 CHANGE OR DISQUALIFICATION OF JUDGE

The appropriate Clerk is ordered to bring a motion for change of judge or motion or affidavit to disqualify judge to that particular Judge's attention immediately so that said motion may be ruled upon immediately, and in addition, the Clerk or Judge is also ordered to notify the Presiding Circuit Judge when the Judge enters the Order for change or disqualification of judge.

If a Circuit Judge is removed or disqualified, he shall note the same on the docket sheet and by docket entry transfer the cause to the other Circuit Judge.

6.6 UNAVAILABILITY OF JUDGE

In the unavailability of the Circuit Judge or Associate Circuit Judge of any division, any other Circuit Judge or Associate Circuit Judge of the Forty-Second Judicial Circuit may sit as the Judge of the division in which the Judge is unavailable and perform all the duties of the unavailable Judge

6.7 ABSENCE OF PRESIDING JUDGE

In the event that the Circuit Judge who serves as presiding judge pursuant to Rule 100.1.1 is, from time to time, absent from the Circuit or is disabled or disqualified from acting in the capacity of presiding circuit judge in any case or matter whatsoever; then, during any such period of the absence or disability or as a result of such disqualification, the other circuit judge of this circuit shall be the acting presiding circuit judge and may exercise the responsibilities prescribed by law for presiding circuit judges. Anything herein to the contrary notwithstanding, this rule shall not be interpreted as intending to apply to the type of disqualification referred in subparagraph 1 of Section 478.240, RSMo, 1978, and in Article 5, Section 24, Missouri Constitution.

RULE 7 - WITHDRAWALS OF PAPERS FROM CLERK'S OFFICE

7.1 WHEN ALLOWED

Court files shall not be removed from the Clerk's office or Courtroom unless written authorization to remove such files is obtained from the Court; provided, however, the judge of any division of the Court, the official Court Reporter of any Division of the Court or the Division Clerk of the Associate Circuit Judge Division of the Court may remove court files for purpose of considering matters taken under submission, or preparing transcripts of proceedings, upon providing the Circuit Clerk with written receipt therefor. The Circuit Clerk of each county shall establish and maintain a procedure for accounting for all files removed from his or her office, and for acknowledging return of court files which are removed, and such procedure shall be maintained as part of the official records of the office of Circuit Clerk of each county.

Anything to the contrary in this rule notwithstanding, each Clerk may establish procedures whereby attorneys and abstractors may remove files to other parts of the courthouse for periods of short duration for photocopying or for review.

7.2 DUPLICATING POLICY

(No local rule)

RULE 8 - PUBLICATION OF DOCKETS

See Rule 8.1.

8.1 TRIAL DOCKET

Circuit Clerks shall, at least five (5) days prior to Law Days and Term Days, prepare and make available to all attorneys of record and pro se parties not in default a docket of cases to be called. Cases which are not caused to be placed upon the docket in accordance with law, Supreme Court Rule or these rules shall not be caused to be placed on Law Day or Term Day dockets by the Circuit Clerk, except as otherwise directed by the Judge.

8.2 DISMISSAL DOCKET

All Civil cases pending in the Circuit Court in which no activity has been noted by the docket sheet for one year or more are subject to dismissal for want of prosecution. The Clerk shall notify last known counsel of record that any such case is subject to such court action at least thirty (30) days prior to the Court's taking that action. Parties shall be notified at their last known address only if no attorneys are then of record. This dismissal shall be without prejudice but shall be reinstated only upon written motion showing good cause. Any civil case pending in the Associate Circuit Judge Division in which no activity has been noted by the docket sheet for more than six months is subject to dismissal by the Court without prejudice and without notice.

RULE 9 - COURTROOMS

All matters pertaining to the Court and its business must be carried on in an audible tone of voice and at a reasonable distance from the Court bench. Neither attorneys nor litigants shall be permitted to stand or lounge unreasonably near the Court's bench, desk of the Clerk, or Reporter, unless the Court calls both sides of a controversy to the bench for conference, or counsel is granted permission by the Court to approach the bench.

The Sheriff, or Bailiff, and the Clerk or Deputy Clerk shall be in the Courtroom at all times when the Court is in session.

The Sheriff or his deputies shall maintain order in the courtroom and enforce the rule against smoking therein during sessions of the Court.

The Clerk of the Court, from time to time as required by the Court, shall administer oath to the Sheriff and his deputies, and in the trial of cases, shall administer oath to the jurors as to their qualifications, shall administer oath to the jury panel selected to try the case and the witnesses.

9.1 ASSIGNMENT OF COURTROOM

(No local rule)

9.2 PLACE OF HEARING

(No local rule)

9.3 USE OF COUNSEL TABLE

(No local rule)

9.4 COURTROOM DECORUM AND DRESS

(No local rule)

9.5 WHO IS PERMITTED WITHIN BAR

(No local rule)

RULE 10 - COURT REPORTERS AND COMPENSATION FOR SAME

Preparation of any transcript on appeal by an Official Court Reporter of this Court 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, as aforesaid, 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 any such cash deposit is insufficient to pay for a transcript, the remaining unpaid portion of the cost thereof shall be due and payable from the person who ordered the transcript to the Reporter who prepared it upon delivery of the transcript.

Such orders for transcripts on appeal or testimony of witnesses heard by an Associate Circuit Judge where the record was made by electronic process shall be made direct to the Associate Circuit Judge who heard the case, who shall make such orders with respect thereto as may be reasonable and proper, until such time as the Supreme Court of Missouri has by Rule provided for handling of such matters.

RULE 11 - RECORDING OF JUDICIAL PROCEEDINGS

(1) The Associate Circuit Judge for each county within the Forty-Second Judicial Circuit shall cause a Division Clerk to establish a filing system for maintaining and retrieving magnetic tapes used in recording proceedings in which magnetic tape recording devices are utilized in preserving a record of proceedings. Each such Division Clerk shall be responsible for the operation of such recording device during any Court proceedings in which it is used, and for maintaining appropriate witness data sheets and minute records to enable transcription of the record so made.

(2) When a Circuit Court case shall be heard on the record by the use of electronic recording, an employee of the Circuit Clerk shall operate said electronic recorder in conformance with Section 1 of this rule, unless the judge provides otherwise.

(3) All persons except those authorized by the Court to preserve the record shall refrain from broadcasting, televising, recording, or taking photographs in the courtrooms and in the corridors and stairways adjacent thereto while Court is in session and during recesses.

(4) In all civil and domestic relations cases where an electronic device is authorized pursuant to Section 478.072, RSMo., the Clerk shall tax as costs pursuant to Section 483.082, RSMo., the sum of \$25.00 as a sound recording fee to be collected and held by the Treasurer of each county in a sound recording fund. Said fund shall be subject to expenditure by the Court en Banc for courtroom sound recording equipment, repair or courtroom sound enhancement.

(5) The Clerks of the Court shall be authorized to sell the magnetic discs of sound recordings of all proceedings not subject to being closed records under Chapters 610, 210 and 211, RSMo., for a fee not exceeding \$25.00 to be deposited in the account established in (4) hereof.

RULE 12 - MONIES PAID INTO COURT

Monies or property paid into Court in any cases pending, excepting fees and costs, and coming to the hands of the Clerk, shall either be separately kept secure in packages with the style of the cause designated thereof, or by order of the Court, be deposited in a special account for the cause in which said money or property was deposited. No such funds or property shall be withdrawn except on an order made and signed by the Judge presiding in the Division in which the cause is pending, or in his absence, by the Presiding Judge.

12.1 BOND IN CIVIL CASES

See Rule 5.5.

RULE 13 - COMMUNICATIONS WITH COURT

13.1 ORAL COMMUNICATIONS WITH THE COURT

Except for oral stipulations agreed to by both counsel in open court, no private oral agreement between parties or counsel will be recognized by the Court. Any agreement contemplating action or the withholding of action by this Court shall be in writing, and filed with the Clerk.

13.2 WRITTEN COMMUNICATIONS WITH THE COURT

All communications to the Clerk of the Court pertaining to any case must contain the style of the case, the case number, and the names and addresses of all interested counsel and parties not represented by counsel.

The Court will not permit private interviews, arguments or communications where all interest(s) to be affected thereby are not represented, except in cases where provision is made by law and for ex parte application. Any such attempt will be summarily terminated by the Court.

GENERAL RULES

RULE 21 - ATTORNEYS

21.1 RESOLUTIONS OF CONFLICTING TRIAL SETTINGS

(No local rule)

21.2 ENTRIES OF APPEARANCE

(No local rule)

21.3 CONDUCT OF ATTORNEYS

See Rule 9.

21.4 WITHDRAWALS OF ATTORNEYS

The conditions under which an attorney is allowed to withdraw from the employ of a client are set out in Supreme Court Rule 4 of Professional Responsibility . (Canon 2, Ethical Consideration 2-32 and Disciplinary Rule 2-110). An attorney who desires to withdraw as of record for any party to any action pending in this Court shall comply with the following procedures:

(1) The attorney shall file a written motion requesting leave of court to withdraw. (See Rule 33). If the case is then set for trial, the reason for the request must be set forth in the motion. Attached to the motion shall be a notice of the date and time at which the moving attorney will call up the motion before the court for hearing.

(2) A copy of the motion and the notice shall be served upon all parties, including the client from whose employ the attorney is seeking leave to withdraw, in the manner provided by Supreme Court Rule 43.01. If the case in which the attorney is seeking leave to withdraw is a criminal case, the notice shall instruct the client that the client must appear in person at the hearing.

(3) The last known address of the client from whose employ the attorney is seeking leave to withdraw shall be plainly set out in the motion or the certificate of service thereof.

(4) The attorney seeking leave to withdraw must appear in open court and call up the motion at the time specified in the notice. If the case in which the attorney is seeking leave to withdraw is a criminal case, it shall be the duty of the client to appear in person in compliance with the notice mentioned above.

(5) If the client fails to appear, and if the attorney is granted leave to withdraw, the attorney shall immediately notify his former client by letter of the attorney's withdrawal and shall send a copy of the letter to the clerk. Such letter shall advise the former client of any scheduled court proceedings or pleading deadlines in the case.

21.5 FAILURE OF ATTORNEY TO ANSWER DOCKET CALL

When any case or matter pending is called for hearing, and either or both parties fail to appear or answer ready, the same shall be dismissed for want of prosecution, or judgment entered or other appropriate order made, in the discretion of the Court.

21.6 APPOINTMENT OF ATTORNEYS

(No local rule)

21.7 AGREEMENT OF ATTORNEYS

See Rule 13.1

**21.8 ADVICE TO CLIENT AND WITNESSES OF COURTROOM
PROCEDURE**

The attorney is to advise his client and witnesses as to the formality of the court, including proper dress, and seek their cooperation therewith, thereby avoiding embarrassment.

He is to advise his client not to discuss any phase of the case with the Court.

When the rule as to witnesses is invoked, each attorney is charged with the duty of seeing that the witnesses comply with that rule. If any witness violates the rules, 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.

See Rule 9.

RULE 22 - APPOINTMENT OF GUARDIAN AD LITEM

(No local rule)

RULE 23 - TRANSCRIPTS

In the Circuit Court Division all orders for transcripts on appeal or of the testimony of any witness or witnesses shall be made in writing to the Official Court Reporter, and the Reporter's acceptance of service of such order shall be filed with the Clerk of the Circuit Court in which the case is pending. All

applications for extension of time to file transcripts shall show the date the same was ordered.

See Rule 10.

RULE 24 - EXHIBITS

Unless otherwise specifically agreed on between Court Reporter and attorneys, all exhibits admitted in evidence during a trial, except depositions, shall remain in the custody of the attorney introducing the same and shall at all times be subject to inspection by opposing counsel.

PRE-TRIAL MATTERS

RULE 32 - DISCOVERY

(No local rule)

32.1 USE OF DISCOVERY AND CERTIFICATION TO CIRCUIT DIVISION

(No local rule)

32.2 INTERROGATORIES

32.2.1 FORM OF INTERROGATORIES: FORM AND PROCEDURE IN CIVIL AND DOMESTIC ACTIONS

(1) Any party propounding interrogatories in civil or domestic relations actions shall leave an appropriate space for the answer to each interrogatory.

(2) The original and two copies of the interrogatories shall be served upon adverse counsel (or adverse party if not represented). Interrogatories are not to be filed with the Court except provided by paragraph 4 hereof. The interrogating party shall show on the interrogatories the Certificate of Mailing and shall file with the Court at the time they are mailed as separate Certificate of Mailing of the Interrogatories which shall include the following:

- (a) The party to whom mailed.
- (b) The date of mailing.

- (c) Designation of pleading as first interrogatories, second interrogatories, etc.
- (d) The signature of attorney or party mailing the interrogatories.

(3) The answers and objections to interrogatories shall be typewritten in the spaces provided. In the event an answer or objection is too lengthy to be placed in the space provided, it shall be attached as an appendix and clearly identified.

(4) The adverse party shall prepare the affidavit to be signed by the appropriate party and attach it as a last page of the interrogatories and then file the completed original containing the answers with the Clerk, mailing a copy to the interrogating party.

(5) No party shall serve upon any other party more than twenty (20) interrogatories in the aggregate in a domestic relations case without leave of Court or consent of opposing counsel. No party shall serve on any other party more than thirty-five (35) interrogatories in the aggregate in all other civil cases without leave of Court or consent of opposing counsel. In all civil cases, including domestic relations cases, subparagraphs of any interrogatories shall relate directly to the subject matter of the interrogatory and shall not exceed four in number. Any party desiring to serve additional interrogatories shall file a written motion setting forth the proposed additional interrogatories and the reasons establishing good cause for the additional interrogatories. Any number of additional interrogatories may be filed and served if attached thereto is the written consent of counsel for the party to which the interrogatories are directed.

32.3 DEPOSITIONS

(No local rule)

32.4 MOTION FOR SANCTIONS

(No local rule)

32.5 CRIMINAL DISCOVERY

(No local rule) (See Supreme Court Rule 25)

RULE 33 - PRE-TRIAL MOTIONS

33.1 HEARING DATES

In all cases where either the plaintiff or the defendant desire to file any pre-trial motions, the same shall be filed, noticed up and disposed of no later than seven (7) days prior to any trial setting date.

Except for good cause shown, and except for unusual circumstances, no motion shall be filed later than seven (7) days before the trial date and any such motion filed thereafter by either party within the seven days of trial date, shall be subject to automatic denial for failure to comply with this Rule; or, in the appropriate case, the attorney may be subjected to sanctions by the Court for dilatoriness.

33.2 BRIEFS IN SUPPORT OF MOTIONS, WHEN REQUESTED

(No local rule)

33.3 ORAL ARGUMENTS - WHEN DESIRED AND HOW REQUESTED

(No local rule)

33.4 MOTIONS IN LIMINE

All motions shall be in writing and accompanied by citations of authority, and shall be heard no less than seven (7) days prior to the date of trial.

RULE 34 - CONTINUANCES

34.1 CIVIL CASES

An application for continuance shall be made by a written motion accompanied by the affidavit of the applicant or some other credible person setting forth the facts upon which the application is based, unless the adverse party consents that application for continuance may be made orally. For good cause shown, the court may continue a civil action to a fixed day, or to a date for trial to be set thereafter. Every continuance granted on the application of party may be at the cost of such party, if so ordered by the Court. All applications for continuances shall conform to Supreme Court Rule 65.

34.2 CRIMINAL CASES

An application for continuance shall be made by a written motion accompanied by the affidavit of the applicant or some other credible person setting forth the facts upon which the application is based, unless the adverse party consents that the application for continuance may be made orally. A

continuance will be granted in criminal cases only if the court finds the ends of justice served by taking such an action outweighs the benefits of a speedy trial. For good cause shown, the Court may continue a criminal proceeding to a fixed day, or to a date to be set thereafter. Every continuance granted on the application of a party may be at the cost of such party, if so ordered by the court. All applications for continuances shall conform to Supreme Court Rule 24.

RULE 35 - PRE-TRIAL CONFERENCES

Pre-trial conferences shall be held as directed by the Judge. All attorneys shall be prepared to submit for examination and identification all exhibits which he intends to offer in evidence at trial and to make such admission as will narrow the issues and scope of testimony and supply copies of proposed jury instructions.

See Rule 2.1

RULE 36 - SETTING CASES FOR TRIAL

No case will be placed on the trial docket until the case is at issue and all discovery, if any, has been completed by the party requesting a setting.

After a case has been set for trial, no pleading may be amended except by leave of Court, and such leave will be granted only upon a showing of due diligence in requesting such leave at the earliest practicable time.

Each Associate Circuit Judge shall establish procedures for setting cases for trial in the Division in which he sits. Those procedures shall be communicated to persons interested in cases pending therein upon request.

36.1 REQUEST FOR TRIAL

No case will be placed on the trial docket unless written request therefor is received by the Circuit Clerk, or Division Clerk, not less than ten (10) days before the date on which the docket is called, and copy of request simultaneously furnished opposing counsel or parties appearing pro se.

The Court may set more than one case for trial on any given day, and all cases so set shall be ready for trial.

Counsel in any case in which notice is filed requesting its placement on the trial setting docket shall appear at the next regular Law Day or Term Day of the Court for the purpose of receiving a trial setting for a certain case, or in lieu

therefor, counsel shall provide the court and the other attorney with said attorney's non-available dates. Such procedure is necessary to avoid scheduling conflicts and to assure that the cases for which trial dates have been requested are at issue with discovery therein completed. Failure of counsel who requested trial settings to appear as required above, or who fail to furnish non-available dates, may cause such cases to be stricken from the trial setting docket.

36.2 DATE OF CALENDAR CALL

(No local rule)

36.3 PREPARATION OF CALENDAR

(No local rule)

36.4 CALENDAR CALL

(No local rule)

36.5 REMOVAL AND INACTIVE CALENDAR

See Rules 8.2 and 37.1.

**36.6 REVISION OF AND REMOVAL FROM PREPARED
CALENDAR**

(No local rule)

36.7 SPECIAL ASSIGNMENTS

(No local rule)

RULE 37 - DISMISSALS

37.1 DISMISSAL DOCKET

See Rule 8.2

37.2 REINSTATEMENT OF CAUSE

See Rule 8.2

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.

See Rule 2.4 and 51.1.

RULE 42 - DEFAULT

See Rule 2.4 and 51.1.

TRIALS

RULE 51 - COURT-TRIED CASES

51.1 DEFAULT AND UNCONTESTED MATTERS

Default and uncontested matters, arraignments and pleas of guilty may be heard by the Circuit Judge of either Division I or Division II. Either Judge may, at the request of the attorney of record, or on Court's own motion, transfer such default, uncontested matter, arraignments and pleas of guilty to his docket for that purpose only.

This Rule shall not be construed as to limit the Presiding Judge's authority to specially assign cases pursuant to Section 478.240 RSMo.

Counsel shall prepare and sign a written memo to be used as docket entries in all default matters, dissolution cases, entries that counsel agree to be made, and other matters where the business of the Court may be expedited.

51.2 CONTESTED MATTERS

See Rule 36.

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 attorney, shall submit proposed findings of fact and conclusions of law at the conclusion of the trial or within a reasonable time as directed by the Court.

RULE 52 - SELECTION OF JURY

A jury may be drawn for any county on such dates as may be established by that county's board of Jury Commissioners upon a quorum of that Board being in attendance.

A separate jury panel shall be drawn as provided by law for each term of court of each of the counties in the Forty-Second Judicial Circuit.

52.1 JURY QUESTIONNAIRES

(No local rule)

RULE 53 - JURY TRIALS

53.1 INSTRUCTIONS

Prior to commencement of any jury trial of a Criminal case, the Prosecuting Attorney shall prepare proposed jury instructions for use by the Court and file same with the trial judge not less than seven (7) days prior to date of trial.

The attorney for the plaintiff shall prepare the following instructions for use in jury trials of Civil cases: Cautionary, facts not assumed, burden of proof, verdict, together with forms of verdicts. All parties shall have the proposed instructions they wish to submit and file same with the trial judge not less than seven (7) days prior to date of trial.

The failure to file written instructions in accordance with this rule shall be cause for the Circuit Clerk to not summons a jury for the trial, except as otherwise directed by the Judge.

53.2 CLOSING ARGUMENTS

Counsel will be allowed reasonable time to argue any case. Not more than one-half of the time allotted to counsel for opening argument shall be consumed in his closing argument. If either counsel expects to waive his argument, he shall so inform adversary counsel before any argument begins.

RULE 54 - JUDGMENT ENTRY

Counsel for the party in whose favor an order is made or judgment rendered, shall prepare the form of order of judgment and deliver the same to the Clerk of the Court within seven (7) days, with copy to opposing counsel. If

no objection is filed with the Clerk by opposing counsel within seven (7) days after the date of service of copy (as shown by certificate of service), the Clerk shall record the order of judgment. If objection is made and no agreement reached between counsel, the objection shall be submitted to the Court promptly for determination.

54.1 CONTESTED CASES

See Rule 54.

54.2 DEFAULT OR UNCONTESTED CASES

See Rule 54.

RULES RELATING TO PARTICULAR ACTIONS

RULE 61 - ADOPTION

See Rule 2.4.

61.1 FILING REQUIREMENTS

At the time of filing the petition, counsel for the petitioners shall file a Certificate of Adoption (Vital Statistics Report) on a form to be provided by the Clerk, as required by Section 193.360, RSMo., 1978.

61.2 HOME STUDY

Unless waived pursuant to Section 453.070, RSMo. 1978, upon the filing a petition for adoption, the Children's Division 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.

RULE 62 - DRIVERS' CASES

62.1 APPLICATION FOR HARDSHIP DRIVING PRIVILEGES

See Rule 6.

62.2 PETITIONS FOR REVIEW

(No local rule)

62.3 BREATHALYZER TEST

(No local rule)

RULE 63 - ASSOCIATE DIVISION CASES

See Rule 1 and 6.

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

(No local rule)

RULE 65 - CIVIL COMMITMENT

(No local rule)

RULE 66 - CONDEMNATION

(No local rule)

RULE 67 - CRIMINAL CASES

67.1 PRE-TRIAL RELEASE

(No local rule)

**67.1.1 MOTIONS TO SET BOND AND FOR BOND
REDUCTION**

Motions to set bond and for bond reduction shall be made in writing addressed to the judge of the division in which the case is pending. Such motions shall be filed with the division clerk where the case is pending. In the event of the absence or unavailability of the judge before whom the case is pending, such motions shall be submitted to the Presiding Judge.

67.1.2 DEPOSIT OF OPERATOR'S LICENSE

(No local rule)

67.2 PRELIMINARY HEARING

(No local rule)

67.3 GRAND JURY

(No local rule)

67.4 ATTORNEYS

See Rule 21.

67.5 ARRAIGNMENTS

67.5.1 IN GENERAL

All defendants bound over from the Associate Circuit Division in felony cases shall be Ordered to appear in the Circuit Court, Division I or II, for arraignment on a day certain as soon as practicable, but not more than 40 days after completion or waiver of the preliminary hearing.

See Rule 51.

67.5.2 DATES

See Rule 51 and 67.5.1.

67.6 DISCOVERY

(No local rule)

67.7 MOTIONS

See Rule 33.

67.8 PLEA BARGAINING

(No local rule)

67.9 GUILTY PLEA

67.9.1 WHERE ENTERED

See rule 51.1.

67.9.2 PETITION TO ENTER A PLEA OF GUILTY

(No local rule)

67.10 CALENDAR

The Clerks of the Circuit Court, Divisions I and II, for the first day of each Term shall cause to be listed on the trial docket all criminal cases pending in the Division which docket will be called.

67.11 PROBATION AND PAROLE

(No local rule)

RULE 68 - DISSOLUTION OF MARRIAGE

Entries of Appearance will be accepted in dissolution of marriage cases if in proper form. However, all such entries of appearance shall be on file more than thirty (30) days prior to trial. No dissolution of marriage case shall be heard until the petition therein has been filed for more than thirty (30) days.

68.1 FILING REQUIREMENTS

At the time of filing the petition, the attorney for the petitioners shall file a Certificate of Dissolution of Marriage (Vital Statistics Report) on a form to be provided by the Clerk, as required by Section 193.360, RSMo. 1978.

68.2 SEPARATION AGREEMENT

In all cases where written separation agreements are made under the provisions of Section 452.325, RSMo. 1978, a copy of such executed agreement shall be submitted to the Court prior to the hearing.

68.3 FORMS OF DECREES

See Rule 54.

68.4 FILING OF FINANCIAL STATEMENTS

On a form obtained from the Clerk, a statement of marital and non-marital property under oath of the party making the same shall be furnished to the court prior to the date of hearing in all cases filed for dissolution of marriage or legal separation and motion to modify decree of dissolution cases. The statement shall include a brief description of the assets, the legal description of real estate, the estimated fair market value less encumbrances and the name of the party having possession or control. Also, on a form obtained from the Clerk, a statement of income and expense shall be filed in all dissolution of marriage or legal separation and motion to modify decree of dissolution actions. The statement shall, to the best of the ability of the party, list income of both parties

from all sources and the anticipated separate expenses of dependent children. Also, pursuant to Supreme Court Rule 88, there shall be filed in all actions involving custody of children, a calculation of presumed child support in form substantially the same as Civil Procedure Form No. 14. In all contested dissolution or legal separation and motion to modify decree of dissolution actions, a copy of such statement of property, income and expenses and calculation of presumed child support, if required, shall be supplied to the opposing attorney not less than five (5) days prior to the date of hearing.

**68.5 ENTRY OF JUDGMENT UPON AFFIDAVIT -
REQUIREMENTS**

(1) Final Orders Entered - When. Final orders in a proceeding for dissolution of marriage or legal separations, motions to modify, and actions for declaration of paternity may be entered upon the affidavit of either or both parties when:

(a) There are no minor 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 custody and child support; and

(b) The adverse party has been served in a manner provided by the Missouri Rules of Civil Procedure or has formally filed 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 have entered into a written agreement for the division of their marital property.

(2) Affidavit - Filing. If one party desires to submit the matter for entry of final orders upon an affidavit, the submitting party shall file an affidavit setting forth sworn testimony showing the Court's jurisdiction and factual averments sufficient to support the relief requested in the proceeding, together with a copy of the proposed Decree or Order, a copy of any written agreement proposed for adoption by the Court, a completed Form 14, and any other supporting evidence. The filing of such affidavit shall not be deemed to shorten any statutory waiting period required for entry of a Decree of Dissolution or Decree of Legal Separation.

(3) Hearing Required - When. The Court shall not be bound to enter a Decree or Order upon the affidavits of either or both parties, but the

Court may, upon its own motion, require that a formal hearing be held to determine any or all issues presented by the pleadings.

**68.6 MODIFICATION, CONTEMPT AND JUDICIAL REVIEW
OF ADMINISTRATIVE MODIFICATIONS**

In all cases when a judgment of dissolution of marriage or establishment of paternity has become final, all subsequent proceedings seeking modification or enforcement of the original judgment shall be assigned to the judge who entered the last judgment, decree or order without further assignment by the Presiding Judge.

68.7 MODIFICATION OF DECREE

(No local rule)

RULE 69 - MUNICIPAL DIVISION

See Rule 1, 3.1 and 4.6.

RULE 70 - PARTITION

In partition sales, plaintiff's attorney shall assist the Sheriff or Commissioners in preparing all necessary reports of sale and orders of distribution and present them to the Court.

No report of Commissioners in partition, and no report of sale in partition by the Sheriff, or any Commission appointed by the Court, not excepted to, shall be confirmed unless the same has been on file at least three (3) days, and unless all parties in interest have notice thereof, shall an order of confirmation be entered.

RULE 71 - ADMINISTRATIVE REVIEWS

(No local rule)

RULE 72 - PROBATE

See Rule 1, 3.1, 4 and 5.

RULE 73 - SMALL CLAIMS

See Rule 5 and 6.

RULE 74 - TRUST ESTATES

(No local rule)

74.1 INVENTORY

(No local rule)

74.2 REPORTS

(No local rule)

74.3 RECORD

(No local rule)

74.4 AUDIT

(No local rule)

POST-TRIAL

RULE 81 - EXECUTION

Executions shall be issued only upon written request stating the amount for which the execution should issue and whether the return date be for thirty, sixty or ninety days. If special instructions are to be provided the Sheriff to whom any execution is directed, e.g., where garnishment or special levy is sought, those instructions shall be given in writing to the Sheriff. Upon request, the Clerk may transmit with the execution any such special instructions provided by the party requesting execution to issue.

RULE 82 - GARNISHMENT

(No local rule)

RULE 83 - JUDICIAL SALES

(No local rule)

INTERNAL ORGANIZATION

RULE 100

100.1 PRESIDING JUDGE

There shall be a Presiding Judge of the Circuit as provided by Article V, Section 15, Missouri Constitution. The Presiding Circuit Judge shall exercise the responsibilities prescribed by law. (Reference: Section 478.240, V.A.M.S.)

100.1.1 ELECTION

(No local rule)

100.1.2 DUTIES OF PRESIDING JUDGE

(No local rule)

100.1.3 DISPUTE RESOLUTION - PROCEDURE

(No local rule)

100.2 LOCAL COURT RULES

All prior Court Rules for the Forty-Second Judicial Circuit are revoked as of February 20, 2007, at 12:00 noon.

These Rules may be modified or revoked, in whole or in part, from time to time, as permitted by Section 478.245, V.A.M.S.

100.2.1 FORMULATION

(No local rule)

100.2.2 PUBLICATION

(No local rule)

100.3 LIBRARY FUND

In all cases filed which require payment of filing fees, except in cases received on change of venue from other counties, cases filed under small claims procedures, applications for trial de novo, and cases filed by the County, State or any City, the sum of \$15.00 shall be paid by the Clerk from the filing fee and taxed as Court costs in said cases for the purpose of maintaining a County Law Library. The Prosecuting Attorney of each county is designated Treasurer of the Law Library Fund for his respective county.

On the first day of each month, the Clerks of the Court within each county shall pay the entire County Law Library Fund created by the aforesaid deposits during the preceding month to the Prosecuting Attorney of the county. The Law Library Fund shall be applied and expended under the direction of the Presiding Judge of the Circuit and the Associate Judge of each county, for the maintenance and upkeep of a law library.

The law libraries of the various counties shall be open at all reasonable times to the Judges and officers of all Courts of record, and all licensed attorneys who maintain an office within the county.

The Clerks of the Court shall keep a record of all fees received and expended and shall at least once per year present a report of same to the Judges of the Court and all members of the County Bar Association.

RECORDS AND FILES

100.4 STORAGE OF RECORDS

100.4.1 REPRODUCTION, PRESERVATION, ARCHIVAL STORAGE AND DISPOSAL OF THE ORIGINAL CIRCUIT COURT FILE (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

(No local rule)

100.4.4 IDENTIFICATION OF REPORTERS' NOTES

(No local rule)

100.4.5 INDEX

(No local rule)

100.4.6 STORAGE OF NOTES

(No local rule)

100.4.7 NOTES OF SUBSTITUTE REPORTERS

(No local rule)

**100.4.8 STORAGE OF NOTES UPON RETIREMENT,
TERMINATION OR DEATH OF COURT REPORTER**

(No local rule)

100.4.9 BOXING AND STORING OF OLD NOTES

(No local rule)

**100.4.10 RESPONSIBILITY FOR FURNISHING MATERIALS
AND SPACE FOR STORAGE OF COURT REPORTER
NOTES**

(No local rule)

**100.4.11 PROCEDURE FOR EXAMINATION OF CRIMINAL
RECORDS**

(No local rule)

**100.4.12 PROCEDURE FOR EXPUNGING AND
CLOSING CRIMINAL RECORDS**

(No local rule)

100.5 CLERK'S DUTIES

(No local rule)

100.5.1 MONIES PAID INTO COURT

See Rule 12

100.6 SELECTION OF VENIREMEN

(No local rule)

Any of the above Rules or parts thereof in conflict with any Rule of the Supreme Court of Missouri, or any law of the State of Missouri, is hereby considered amended to conform to said Rule or law governing same.

FORTY-SECOND JUDICIAL CIRCUIT EN BANC

By _____
William Camm Seay, Circuit Judge
Division I, Presiding Judge

Date: March 5, 2008.