



SUPREME COURT OF MISSOURI

en banc

December 21, 2007
Effective July 1, 2008

In re:

Adoption of a new Court Operating Rule 25, entitled “Services by Court Clerks and Staff In Family Law Cases.”

ORDER

1. It is ordered that effective July 1, 2008, Court Operating Rule 25 be and the same is hereby adopted to read as follows:

COURT OPERATING SERVICES BY COURT CLERKS AND RULE 25 STAFF IN FAMILY LAW CASES

(a) Court clerks and court staff may provide the following services to self-represented litigants to achieve fair and efficient resolution of their family law case. The services specified in this Court Operating Rule 25, when delivered by a court clerk or court staff, do not constitute legal advice.

(b) Rendering legal advice is not authorized for any court clerk or court staff member.

(c) Court clerks and court staff may:

(1) Encourage self-represented litigants to be informed about their legal rights;

(2) Provide information about available pro bono legal services, low cost legal services, legal aid programs, and lawyer referral services;

(3) Provide docketed case information for the litigant's case;

(4) Provide information about available approved forms, without providing advice or recommendation as to any specific course of action;

(5) Provide approved forms and approved written instructions on how to complete the forms;

(6) Record information provided by a self-represented litigant on approved forms when a litigant has limited literacy, physical infirmity, or other disabilities to the extent required by the Americans with Disabilities Act;

(7) Provide court-approved definitions of commonly used terms;

(8) Provide general information about local court operations and facilitate the setting of hearings;

(9) Provide information about required parent and/or child education courses and mediation; and

(10) Provide information about community services and other resources.

(d) Each court clerk shall conspicuously post the following notice describing services the court clerks and court staff may and may not provide to self-represented litigants. A copy of the notice shall be provided to any person on request.

Guidelines for Missouri Court Clerks and Court Staff

Court Clerks and Staff MAY	Court Clerks and Staff MAY NOT
<p>Encourage pro se litigants to be informed about their legal rights</p> <p>Provide information about</p> <ul style="list-style-type: none"> ▪ Pro bono legal services ▪ Low cost legal services ▪ Lawyer referral services 	<p>Provide legal advice, including but not limited to:</p> <ul style="list-style-type: none"> ▪ Recommending a specific course of action ▪ Performing legal research for litigants ▪ Interpreting how the law would apply to a specific situation ▪ Predicting the outcome of a particular case strategy or action ▪ Computing deadlines specified by statute or court rule
<p>Provide appropriate court-approved forms and written instructions</p> <p>Provide appropriate aid and services for individuals with limited literacy or who have disabilities to the extent required by ADA</p>	<p>Recommend any specific course of action, including but not limited to:</p> <ul style="list-style-type: none"> ▪ Whether to file a pleading ▪ The specific content or phrasing for a pleading ▪ The specific types of claims or arguments to assert in pleadings or objections to pleadings ▪ Whether to settle or appeal
<p>Provide court-approved, written definitions of commonly used terms</p>	<p>Advise on how a particular term or definition applies to a specific situation</p>
<p>Provide information on how to access statutes, court rules, and local rules</p>	<p>Interpret statutes or rules or advise whether or not a particular statute or rule applies in a specific situation</p>

Provide docketed case information for the litigant's case	Provide information that must be kept confidential by statute, court rule, or case law
Provide general information about court process, practice and procedure, and facilitate the setting of hearings	Recommend specific techniques for presenting evidence, including but not limited to: <ul style="list-style-type: none"> ▪ Specific questions to ask witnesses ▪ Objections to raise at trial
Provide information about mediation, required educational programs, and community services	

2. It is ordered that notice of this order be published in the Journal of The Missouri Bar.

3. It is ordered that this order be published in the South Western Reporter.

4. The state courts administrator shall provide copies of this order to each presiding circuit judge and circuit clerk and such other persons as the administrator deems appropriate.

Day – to – Day

MARY R. RUSSELL
Acting Chief Justice