



SUPREME COURT OF MISSOURI

en banc

March 3, 2011

In re: Judicial Transfer Policies

ORDER

1. The attached "Judicial Transfer Policies" are hereby approved. They supersede any judicial transfer policies previously approved.

2. The state courts administrator is directed to provide a copy of the attached guidelines to each presiding circuit judge and such other persons as he deems appropriate.

Day - to - Day

WILLIAM RAY PRICE, JR.
Chief Justice

JUDICIAL TRANSFER POLICIES

1.00 Authority

Article V, section 6 of the Missouri Constitution authorizes the Supreme Court to make temporary transfers of judicial personnel from one court or district to another as the administration of justice requires...”

2.00 General Policies

2.01. Use of internal resources

(a) Before requesting assistance, the presiding judge shall determine that needs for assistance cannot be met internally. The presiding judge also shall consider the circuit’s current ranking on the judicial weighted workload.

(b) If the needs cannot be met internally, the presiding judge shall determine if changes in policies or procedures would reduce or eliminate much of the need for outside assistance in the future. Among the policies or procedures to be reviewed, and modified, if necessary, include those relating to:

- (1) Judicial work hours;
- (2) Coordination of vacation and other discretionary leave schedules;
- (3) Case assignment practices; and
- (4) Jury practices.

2.02. Requesting assistance not through the judicial partnership program

Presiding judges in circuits that need assistance outside of the judicial partnership program shall request a judge transfer as soon as the need for assistance is determined (vacation not to exceed two weeks per judge, medical leave, death, case by case).

2.03. Requests for senior judge assistance

(a) The presiding judge may request the assistance of a senior judge by requesting that a judicial transfer order be issued for the senior judge.

(b) The utilization of senior judges by a circuit shall be as follows:

(1) Senior judges should be assigned to specific cases.

(2) Senior judges should not be assigned to bulk docket or to juvenile cases in metropolitan circuits. Exceptions to assignment to a bulk docket may be granted by the judge transfer workgroup.

(3) Senior judges should not be assigned for vacation or holiday coverage.

(4) Senior judge assignments will be limited as much as reasonably possible to those circuits geographically close to their homes.

2.04. Notification when assistance is no longer needed

If it is determined that previously requested judicial assistance is no longer needed, the presiding judge shall immediately notify the state courts administrator.

2.05. Efficient utilization of transferred judges

To ensure the efficient utilization of transferred judges, the receiving court shall:

(a) Provide necessary materials and information in advance of the judge's arrival, including:

(1) Copies of dockets and files, if requested;

(2) Courthouse and office hours;

(3) Location of courthouse, parking, chambers, law library, reference materials;

(4) Name, location and telephone number of contact person; and

(5) Policies and procedures, including any special wording required in orders or judgments;

(b) Make every effort to accurately estimate the length of time that the visiting judge will be needed and communicate such information to the judge in advance of arrival. Where feasible, the receiving court shall pre-screen cases to determine activity required;

(c) Set backup cases so that the judge's time is fully utilized;

(d) Make every effort to ensure that proceedings begin as scheduled. This objective will require that courtrooms, jury panels, bailiffs, counsel, witnesses, and other necessary personnel and equipment are available at designated times;

(e) Ensure that a regular, experienced clerk is available to assist the visiting judge;

(f) Refrain from holding the least desirable cases for assignment to visiting judges;.

(g) Make every effort to ensure that the visiting judge is assigned to the same chambers and courtroom each day.

2.06. Assignment of particular judges and court reporters

(a) Experienced judges

When possible, judges shall be assigned to dockets or case types with which they have experience.

(b) Judges from circuits in the judicial partnership program

Judges from circuits participating in the judicial partnership program shall not be assigned for periods of time to other locations.

(c) Judges engaged in contested elections

When possible, and upon request, judges engaged in contested elections shall be excused until after the election from accepting assignments outside their circuits during the calendar year of the election.

(d) Court Reporters

Court reporters shall be assigned and transferred in accordance with section 485.055, RSMo.

3.00 Judicial Partnership Program

3.01. Definitions

(a) "Donor circuit," a circuit with judicial resources available for transfer as determined by the judicial weighted workload study;

(b) "Donee circuit," a circuit with a need for temporary transfer of judicial resources as determined by the judicial weighted workload study.

3.02. The presiding judges in the donor and donee circuits, in consultation, shall determine how judges from donor circuits shall be utilized concerning particular dockets, cases, and case types, giving due regard to the obligation of the donee circuits under judicial transfer policy 2.00 and, in particular, policy 2.05.

3.03. The presiding judge of the donor circuit shall determine how to allocate the available weeks to the judges in the donor circuit.

3.04. The presiding judges in the donor and donee circuits, to the extent possible and in consultation, shall provide for back up assigned judges for visiting judge dockets and cases in order to avoid undue delay and expense in the event of disqualification of a particular assigned judge.

3.05. Donor judges shall utilize technology to the extent feasible to alleviate unnecessary travel.

3.06. The current partnership pairing is contained in Appendix A, which may be modified from time to time by the judge transfer workgroup.

3.07. Any judge may file a grievance with the circuit court budget committee as to the number of weeks and/or cases that the judge or circuit is donating through the judicial partnership program.

3.08. Unless released, judges shall be expected to maintain availability for their assignment under the judicial partnership program.