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**ADMINISTRATION**

**RULE 1 DIVISION OF COURT**

There shall be two (2) divisions of the Court in Audrain and Montgomery County and Three (3) divisions of the Court in Warren County. The Presiding Circuit Judge shall preside over Division I in each County and the Associate Circuit Judges in Audrain and Montgomery and the division II Judge in Warren shall preside over Division II and the Probate Division of each County, and any other assignments made by the Presiding Judge. The Associate Judge in division III in Warren County will be assigned case types per the Presiding Judge. There shall also be designated a Treatment Court Division in each County which shall be assigned by the Presiding Judge.

**RULE 2 HOURS AND TERMS OF COURT**

**2.1 HOURS OF COURT**

All sessions of Court will convene at 9:00 a.m. (Daylight Savings Time when in effect) unless otherwise designated. Attorneys and parties shall appear no later than 8:15 a.m. on cases set for bench or jury trial for pretrial conference.

**2.2 TERMS OF COURT**

The terms of Court shall be as set forth in Section 478.205 RSMo.

**2.3 LAW DAYS**

1. The Law Day of Division I will be held as follows unless otherwise directed or changed by the Court:
  - a) In Audrain County, Criminal Law will be held on the first Monday of each month and the Civil Law Day will be held on the first Friday after the first Monday of each month.
  - b) In Audrain County a Supplemental Law Day will be set each month on a date selected by the Court;
  - c) In Montgomery County, on the first Wednesday after the first Monday of each month;

d) In Warren County, Criminal Law Day will be held on the first Tuesday after the first Monday of each month and the Civil Law Day will be held on the first Thursday after the first Monday of each month.

2. Law Days may be held in Division II or III at the discretion of the Judge presiding over that Division, on days set by said Judge.

#### 2.4 **PARTICULAR MATTERS ON PARTICULAR DAYS**

1. After a case is at issue, it will be placed on the Trial Docket at the request of either party. The request will be made to the Clerk and a written notice served on all parties at least five (5) days before the succeeding Law Day, and at least one of the parties must appear to announce on the case.
2. On every Law Day, the trial docket will be called and cases or contested motions requiring the taking of evidence may be set for trial or hearing in the trial period of the second month following such Law Day at the request of either party.
3. More than one case may be set by the Court for trial on the same day of the trial calendar. When this is done, the order of priority of trials shall be assigned to such cases by the Court (as first, second, third, etc.) subject only to the exception hereinafter set forth. When a civil case (except changes of venue or appeals from inferior courts) or a criminal felony case is still on the trial docket one week before the date on which it is set for trial, all other such cases of lower priority set on that date may, at the discretion of the Judge, be removed from the trial docket for that day and shall have precedence in resetting at the Law Day next following such removal from the trial docket. When counsel for all parties consent and agree in writing or the Court so orders, a lower priority case may be retained on the trial docket up until the date for trial, or up until any number of days less than one week prior to the scheduled trial date, but such written consent and agreement shall be filed in the Clerk's office or such order shall be made more than one week prior to the date set for trial.
4. All trials de novo shall remain on the trial docket of the day on which they were set until the trial jury is sworn in a higher priority case set on the same date.

Following the swearing of the trial jury, all cases of lower priority set on that date shall be removed from the trial docket and shall have precedence in resetting at the Law Day next following such removal from the trial docket.

5. For good cause shown, the Court may set any case in any county for any week during the month upon giving notice to counsel for the parties thereof.
6. All motions or other matters preliminary to trial not requiring the taking of evidence may be heard on any Law Day upon five days service upon and written notice to adverse parties or by consent of the parties.
7. Cases in default may be prosecuted to final judgment on any Law Day, or other such day as may be designated for that purpose. By this local Rule, such defaults and uncontested matters may be heard by the Associate Judges of the County in which they are at issue, without a specific assignment by the Presiding Judge.
8. Counsel serving notice or desiring action by the Court on a motion, preliminary matter or default shall notify the Clerk of the Court no later than the last working day before any Law Day that said Cause is to be heard, or the day designated by the appropriate Associate Judge for hearing those matters.
9. The dates of the trial settings and hearings on motions requiring the taking of evidence will be available at the Circuit Clerk's office.
10. Juvenile matters, other than adoptions, shall be scheduled for hearings by the assigned Juvenile Judge or juvenile officer on such dates as are designated for the juvenile hearings. Juvenile matters, other than adoptions, will not be heard on regular law days unless specifically set by the Court.

### **RULE 3      PLEADINGS**

- (1) All pleadings filed with the Circuit Clerk of any county within the Twelfth Judicial Circuit shall contain the designation at the top of the first page of each pleading: **“IN THE CIRCUIT COURT OF (stating the appropriate county) COUNTY, MISSOURI.”** Pleadings in juvenile proceedings should contain the additional identification immediately below the foregoing designation: **“JUVENILE DIVISION.”**
- (2) All pleadings filed in cases to be heard by any Associate Circuit Judge of the Circuit Court of any county within the Twelfth Judicial Circuit shall contain the designation at the top of the first page of each pleading: **“IN THE CIRCUIT COURT OF (stating the appropriate county) COUNTY, MISSOURI.”** immediately below the foregoing designation shall be one of the following identifications, as appropriate: **“PROBATE DIVISION”** or **“ASSOCIATE DIVISION.”**

(Effective January 1, 2006)

### 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, with a top and left-hand margin of at least one inch; shall be signed by the party or his attorney offering the same for filing together with the address, telephone and bar identification 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 nature of the suit, and if consisting of more than one sheet, shall be securely bound at the top with page numbers at the bottom. Paragraphs 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.)***

Any pleading filed pro se shall contain the address of the party filing that pleading. Where service of summons 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. This Rule may be superseded by E-filing Rules which will take precedence over this Rule.

## **RULE 4 FILING OF CASES AND DISPOSITION/ENDING OF CASES**

### 4.1 **CRIMINAL CASES**

All felony complaints and all informations charging felonies, misdemeanors or infractions shall be filed with the Circuit Clerk.

(Effective January 1, 2006, Amended September 23, 2010)

4.1.1 All Court records pertaining to Applications/Affidavits for search warrants, and search warrants issued pursuant thereto shall be maintained as closed records unless and until a return is made thereon, or the record is opened by Order of the issuing Judge.

4.1.2 Upon plea and or final disposition of any criminal case, including felonies, misdemeanors, municipal, or infractions, the attorney of record will be ended as the attorney of record unless said attorney makes a written request via E-filing, to remain listed as the attorney of record. No motion to withdraw will be required by the attorney of record, as the Circuit Clerk will, by Rule, automatically end the attorney as the attorney of record.

### 4.2 **CIVIL CASES**

All civil cases shall be filed with the Circuit Clerk.

(Effective January 1, 2006, Amended effective September 23, 2010)



- 4.2.1 Every attorney of record in all Civil Cases shall remain attorney of record in the Court's system unless, and until they file (e-file) a motion to withdraw as attorney of record. If the attorney of record does not wish to receive e-file notices after the case has been disposed, and said attorney believes his/her representation on that matter has been concluded, said attorney must file his/her motion to withdraw. Otherwise, even though the attorney may believe that he/she is no longer representing the party, any subsequent filings or actions taken in the case may result in e-notices being sent to the attorney of record.

4.3 **PROBATE CASES**

Probate matters shall be filed with the Circuit Clerk.

(Effective January 1, 2006, Amended effective September 23, 2010)

4.4 **JUVENILE CASES**

All juvenile cases shall be filed with the Circuit Clerk.

4.5 **SMALL CLAIMS CASES**

Small claims shall be filed with the Circuit Clerk.

(Effective January 1, 2006, Amended effective September 23, 2010)

4.6 **MUNICIPAL CASES**

Municipal ordinance violations shall be filed with the Clerk of the appropriate municipal division when that municipality has made provisions for a municipal judge as provided by law.

4.7 **E-FILING RULES**

All Rules herein above and below are subject to the Supreme Court Rules concerning E-filing, and specifically, how cases are to be E-filed with the Court.

4.7 **FACSIMILE OR DIGITAL TRANSMISSION FILING AND SERVICE**

(1) **FILING BY FACSIMILE DEVICE**

- (a) The Circuit Clerk's offices are hereby authorized to maintain facsimile devices. Documents and pleadings may be received or transmitted by facsimile device pursuant to this Local Court Rule and Supreme Court Rule 43.01, unless the document is required to be electronically filed by Rule.

- (b) All motions, applications, orders, warrants, pleadings and the like not requiring a filing fee and/or cost deposit may be filed with Division I, II, or III by facsimile device during regular business hours only, unless the document is required to be electronically filed by Rule.
- (c) Documents requiring a cost deposit or filing fee, or received before or after regular business hours shall not be accepted by the clerks of the various divisions.
- (d) Unless a document is required to be electronically filed by Rule, any pleading or document filed by facsimile device shall have the same effect as the filing of an original document, even though it may be required to be verified or submitted by affidavit. A signature on the document transmitted by facsimile device shall have the same effect as an original signature. The person filing a pleading or other document by facsimile device shall retain the original and make it available upon order of the Court.
- (e) Documents filed by facsimile shall be deemed filed on the date and at the time actually received by the clerk's facsimile device.
- (f) Risk of loss in transmission, receipt or illegibility is upon the person or party transmitting and filing by facsimile device.

(2) **SERVICE BY FACSIMILE DEVICE**

- (a) Any order, judgment, warrant or other document issued by the Court may be transmitted by facsimile device.
- (b) The Judge's signature on the transmitted document shall have the same effect as an original signature.
- (c) Documents signed by the Clerk requiring a seal shall be deemed to have the same effect as the original, which shall be retained by the Clerk.

(3) **DIGITAL TRANSMISSIONS**

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

**RULE 5      FEES AND COSTS**

**5.1      FILING FEES AND COST DEPOSITS**

Certain costs/fees are set by statute and vary from time to time. Therefore, cost deposits will be established by Orders of the Court and a schedule of the amounts can be obtained from the Circuit Clerk's office or by visiting the 12<sup>th</sup> Judicial Circuit's state website.

The Court en banc shall annually, or more often if required, determine the amount of cost deposits required after consulting with the Circuit Clerks of Audrain, Montgomery, and Warren Counties.

**SERVICE FEES ARE CHARGED SEPARATELY.  
CONTACT THE APPROPRIATE SHERIFF'S OFFICE OR  
PROCESS SERVER FOR FEE AMOUNTS.**

**5.2      COSTS FOR UTILIZING FACSIMILE DEVICES**

(No local rule)

**5.3      COSTS**

Costs shall be assessed per applicable Supreme Court Rule or statute and E-filing Rules.

**5.4      WITNESS FEE**

Witness fees shall not be allowed unless claim for the same is made to the Clerk. The attorney causing any witness to be subpoenaed is requested to see that proper claim is made. (If a claim for fees is not made within 24 hours of the conclusion of the trial or hearing for which a witness was subpoenaed, the witness' fees will be deemed waived.) No witness who has been subpoenaed and is present in Court shall be excused without permission of counsel for opposing party or the Court.

(Adopted prior to Oct. 9, 1992. Amended Sept. 10, 2003)

**5.5.      WAIVER OF FEES**

(No local rule)

**5.6      MOTION FOR SECURITY**

Upon the filing a motion for security for costs, verified by the party or his attorney, the opposing party, not later than one day prior to hearing thereon, may file and serve a counter-affidavit, and the issue presented shall be determined by the Court from the evidence.

Upon opposing party's failure to file and serve a counter-affidavit within the time aforesaid, the verified motion shall be taken as confessed. An unverified motion for security for costs and one to which counter-affidavit

has been filed must be sustained by proof.

**5.7 TIME PAYMENT FEE**

As authorized by Section 488.502.5, RSMo., a fee of twenty-five dollars shall be assessed against any person who pays any court ordered judgment, penalty, fine, sanction, restitution or juvenile monetary assessment on a time payment basis thirty days or more after imposition of the judgment, penalty, fine, sanction, restitution or juvenile monetary assessment.

(Adopted Sept. 10, 2003)

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

**6.1 ASSIGNMENT OF CASES**

All cases shall be heard and determined by the Circuit Judge except civil cases where the sum demanded does not exceed twenty-five thousand dollars (\$25,000.00), all cases arising under Chapters 213, 272, 302 (except Section 302.535), 303, 388, 429, 430, 441, 444, 482, 517, 521, 533, 534 and 577 and all cases assigned by the Presiding Judge or by local court rule which shall be heard by the Associate Circuit Judge.

(Effective 1/01/06, Amended effective September 23, 2010)

**6.2 ASSIGNMENT OF JUDGES**

The Associate Circuit Judges of this Circuit may hear and determine, without a formal assignment by the Presiding Judge, the following types of cases on the record in Division I:

- (1) Cases arising under the Uniform Reciprocal Enforcement of Support Act.
- (2) Cases arising under Chapters 207 and 208 RSMo.
- (3) Other contempt actions for child support enforcement.
- (4) Adult abuse and child protection cases arising under Chapter 455, RSMo.
- (5) Approval of settlements in actions involving claims by or on behalf of minors.
- (6) Change of name proceedings.
- (7) Municipal division cases transferred or certified to the Circuit Court by disqualification, change of venue or otherwise, where a jury trial is not requested and the case was not originally filed before an Associate Circuit Judge.
- (8) Trials de novo of administrative reviews authorized by Section 302.535 RSMo. 1986 as amended.
- (9) Such other cases and classes of cases as may be assigned by the Presiding Judge of this Circuit, and all cases where a written request is filed by the parties not in default.

- (10) In any criminal case wherein a preliminary hearing has been waived by the defendant, the Judge before whom said preliminary hearing was waived, may, upon written consent of the defendant, the defendant's counsel, and counsel for the State, proceed to dispose of the case upon a plea of guilty on the record under applicable circuit court procedures. No formal assignment by the Presiding Judge shall be required to accept such plea, but thereafter said plea, the cause shall be assigned/re-assigned to the Circuit Judge for all post plea purposes, including, but not limited to post conviction proceedings and probation revocation.

6.3 **SPECIAL ASSIGNMENTS**

Should the Circuit Judge for any reason be unavailable on the date any matter is set for hearing in Division I, said matter may be heard by the Associate Circuit Judge of the county where filed as if originally assigned to that Judge, except that said Associate Circuit Judge shall hear no matter, the hearing of which is prohibited by Section 478.225 RSMo. Said hearing shall be on the record as required by law.

6.4 **ASSIGNMENT TO CIRCUIT JUDGES**  
(Not applicable to this Circuit.)

6.5 **TRIAL DE NOVO**  
(No local rule.)

6.6. **DISQUALIFICATION OF JUDGE**

- (1) In the event the Circuit Judge is disqualified, the Supreme Court will be requested to assign another judge to continue in the case.
- (2) In those cases in which the Associate Circuit Judge is disqualified, the Presiding Judge will be so notified in writing via email, and may assign such case or cases to himself or another Associate Circuit Judge of the Circuit.

6.7 **ABSENCE OF JUDGE**

In the absence of the Circuit Judge, see Rule 6.3. In the absence of an Associate Circuit Judge, any other Associate Circuit Judge or the Circuit Judge may sit as judge of the division in which the judge is absent and perform all of the duties of the absent judge.

6.8 **ABSENCE OF PRESIDING JUDGE**  
(Not applicable to this Circuit.)

**RULE 7      WITHDRAWAL OF PAPERS FROM CIRCUIT CLERK'S OFFICE**

7.1      No official files of the Circuit Court or any division thereof shall be removed from the office of the Circuit Clerk or the office of any division clerk except in the custody of employees of the Circuit Court.

7.2      **DUPLICATING POLICY**

Requests for copies of court records shall be directed to the clerk having custody of such records. No charge shall be made for copies of documents furnished to any city, county or state agency or department. Charges for copies shall be established by the Judge or Clerk of the Court.

**RULE 8      PUBLICATIONS OF DOCKETS**

8.1 **TRIAL DOCKET**

(1) The Circuit Clerk or Presiding Judge's Secretary may prepare a trial docket of all civil and criminal cases that are scheduled to be heard in Division I. This docket would also list Division I cases assigned to Division II, or III or to an Associate Circuit Judge

**RULE 9      COURTROOMS**  
(See Rule 21.8)

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**

- (1) All sessions of Court will be opened each morning by formal announcement of the Sheriff.
- (2) When Court is in session, all persons addressing the Court shall stand unless physically unable to do so. This rule shall not apply to counsel in the examination of witnesses and other counsel. Counsel shall address Court personnel by title and surname, and shall not address any such person solely by his or her given name.

- (3) Counsel, during all proceedings of the Court, shall not address any such person solely by his or her given name.
- (4) Counsel shall dress appropriately so as to maintain the dignity of the Court and the Bar. Inappropriate attire includes tank tops, sleeveless shirts, crop shirts, shorts, lounge pants or pajama type pants, and sweatpants

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 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 shall not begin until the Clerk is paid a sum sufficient to cover the estimated cost of this work. The estimated charge may vary depending upon how the typewritten copy is to be prepared. It is the responsibility of the appellant to pay the amount owed upon being presented with a bill by the Clerk of the appropriate division.

**RULE 11 RECORDING OF JUDICIAL PROCEEDINGS**

All persons except those authorized by the Court, and/or 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, except as provided by Missouri Supreme Court Operating Rule 16.

**RULE 12 MONIES PAID INTO COURT**

12.1 **BOND IN CRIMINAL CASES**

When a cash bond is posted, the receipt shall be made in the name of the defendant. Any money deposited shall be considered by the court as belonging to the defendant.

If the defendant is found guilty, or pleads guilty, all assessments against the defendant, including, but not limited to **court costs, fines, room and board for jail time and court ordered restitution** shall be deducted from the cash bond before any money is refunded to the defendant.

**Outstanding criminal court costs, fines, room and board for jail time and court ordered restitution owed by the defendant to this Court on other cases shall also be deducted before any money is refunded to the defendant.**

A third party may claim any refundable money at the conclusion of the charges only if the defendant has properly assigned the defendant's bond receipt to that third party.

**RULE 13      COMMUNICATIONS WITH COURT**

**13.1      ORAL COMMUNICATIONS WITH THE COURT**

Oral communications with the Court about pending or contemplated cases are not permitted unless all parties are represented during such communications.

**13.2      WRITTEN COMMUNICATIONS WITH THE COURT**

An attorney or party sending written communications to the Court is responsible for sending a copy of the communications to all other parties and verifying same on the copy of the communication sent to the Court.

**GENERAL RULES**

**RULE 21      ATTORNEYS**

**21.1      RESOLUTION OF CONFLICTING TRIAL SETTINGS  
(No local rule.)**

**21.2      ENTRIES OF APPEARANCE**

Attorneys retained in pending cases shall file a written entry of appearance promptly after their employment and shall withdraw only by leave of Court after filing a copy of communication that client has notice of withdrawal and date of trial setting, if any.

**21.3      CONDUCT OF ATTORNEYS**

Attorneys will be expected to conduct themselves in a professional and courteous manner.

**21.4      WITHDRAWAL OF ATTORNEYS**

The conditions under which an attorney is allowed to withdraw from the employment of a client are set out in Supreme Court Rule 4, "Code of Professional Responsibility", Canon 2, Ethical Consideration 2-32 and Disciplinary Rule 2-110. An attorney who



desires to withdraw as attorney of record for any party to any action pending in this Court shall comply with the following procedures:

- (a) 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.
- (b) A copy of the motion and 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.
- (c) 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 thereon.
- (d) 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.
- (e) 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**  
(No local rule.)

21.6 **APPOINTMENT OF ATTORNEYS**  
(No local rule.)

21.7 **AGREEMENT OF ATTORNEYS**  
(No local rule.)

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

The attorney is to advise his or her client and witnesses as to the formality of the Court, including proper dress, and seek their cooperation therewith, thereby avoiding embarrassment. Clients and witnesses are to be advised 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 their witnesses comply with the 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 discretion, rules that justice requires such testimony be received under all the circumstances considered.

**RULE 22      APPOINTMENT OF GUARDIAN AD LITEM**

(No local rule.)

**RULE 23      TRANSCRIPTS**

**23.1      TRANSCRIPTS PREPARED FOR PURPOSES OF APPEAL**

The court reporter shall prepare a paper and an electronic version of the transcript. **The court reporter shall submit to the Circuit Clerk, an electronic copy of the same to be filed at a Level 6.**

**23.2      TRANSCRIPTS PREPARED FOR PURPOSES OTHER THAN APPEAL**

The court reporter shall prepare the transcript as requested by the ordering party. The court reporter shall submit to the Circuit Clerk, an electronic copy of the same to be filed at a Level 6.

**RULE 24      EXHIBITS**

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

**PRE-TRIAL MATTERS**

**RULE 32      DISCOVERY**

**32.1      USE OF DISCOVERY AND CERTIFICATION TO CIRCUIT DIVISION**

(No local rule.)

**32.2      INTERROGATORIES**

Copies of all interrogatories and answers thereto shall be sent to all parties. Answers and objections to interrogatories shall state the question being answered or objected to immediately before the response.

Each party shall be limited to propounding a total of thirty (30) interrogatories, including sub-parts thereof. With leave of Court, upon good cause shown, additional interrogatories may be propounded. (Amended 10/9/92)

**32.3      DISPOSITIONS**

(No local rule.)

32.4 **MOTION FOR SANCTIONS**

(No local rule.)

32.5 **CRIMINAL DISCOVERY**

(Follow Supreme Court Rules.)

**RULE 33 PRE-TRIAL MOTIONS**

33.1 **HEARING DATES**

(See Rule 2.4)

33.2 **BRIEFS IN SUPPORT OF MOTIONS WHEN REQUIRED**

All motions shall be in writing and accompanied by a written memorandum setting forth reasons in support thereof with citations and points relied upon. Either party thereafter, upon five (5) days notice, may call up said motion for hearing. If no memorandum is filed, then upon notice by either party, the Court will consider the motion without argument. After submission, the Court may require such memoranda or briefs as the Court may deem advisable. Time to file written memoranda may be extended by the Court for good cause shown.

33.3 **ORAL ARGUMENTS - WHEN DESIRED AND HOW REQUESTED**

(No local rule.)

33.4 **MOTIONS IN LIMINE**

(No local rule.)

**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 the 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 day for trial 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 65.

34.2 **CRIMINAL CASES**

An application for continuance shall be made by 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**

(No local rule.)

**RULE 36      SETTING CASES FOR TRIAL**

36.1      After a case is at issue, it will be placed on the Trial Docket at the request of either party. The request will be made to the Clerk of the Division in which said case is pending and written notice served on all Parties at least five (5) days before the succeeding Law Day.

36.2      **DATE OF CALENDAR CALL**

(See Rule 2.3)

36.3      **PREPARATION OF CALENDAR**

(See Rule 2.4)

36.4      **CALENDAR CALL**

(See Rule 2.4)

36.5      **INACTIVE CALENDAR**

(No local rule.)

36.6      **REVISION AND REMOVAL FROM PREPARED CALENDAR**

(No local rule.)

36.7      **SPECIAL ASSIGNMENTS**

(See Rule 6)

**RULE 37      DISMISSALS**

37.1      **DISMISSAL DOCKET**

Any case filed in the Circuit Court (excluding domestic, juvenile, probate, and cases assigned to the Associate dockets) in which there has been no activity for the preceding six (6) months shall be subject to dismissal by the Court for failure to prosecute. Upon Order of the Court, a notice of intent to dismiss any such inactive case shall be sent by the Circuit Clerk to all parties by U.S. Mail or Electronic Notice. Said notice shall include a date of dismissal at least thirty (30) days after the date on the notice.

Any case for which a notice pursuant to this Rule has been sent, may be reinstated to active status by Order of the Court, upon a party's written filing, prior to the date set for dismissal, of a written motion requesting that said cause be reinstated to active status. Said motion shall be accompanied by a request for trial setting which specifies either a jury trial or a bench trial.

If no motion to reinstate a case to active status is filed before the intended dismissal date, the Judge assigned to the case may Order that the case be dismissed for failure to prosecute.

The Circuit Clerk shall send by U.S. Mail or Electronic notice, a copy of any Order dismissing a case per this Rule, to all parties of record, and if there is no attorney of record, to the party(ies).

Any Order of dismissal entered pursuant to this Rule may be set aside by Order of the Court upon a party timely filing a written motion requesting reinstatement and upon good cause shown. Any motion to set aside and Order of dismissal shall be accompanied by a written request for trial setting which specifies either a jury or bench trial.

## **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** (No local rule.)

## **TRIALS**

### **RULE 51      COURT-TRIED CASES**

#### **51.1      DEFAULT AND CONTESTED MATTERS** (See Rules 2.4 and 54.2)

#### **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 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**

52.1 **JURY QUESTIONNAIRES**

The Circuit Clerks shall cause jury questionnaires to be completed by all persons summoned for jury duty and said questionnaires shall be completed and returned to the Clerk's office within **10 days**. The Clerk shall make such questionnaires available to any party to a cause to be tried to a jury, upon request, no later than the day before any jury trial is scheduled to begin. Nothing in this Rule shall be construed to require the Clerk to copy such questionnaires for any party, or to make the information contained therein available except during regular business hours. **However, no questionnaire shall be released until the attorney involved signs a receipt and acknowledgment certifying that there will be no unauthorized secondary release of information.** The information will be returned to the Circuit Clerk after the jury has been selected. All jury lists and questionnaires shall be maintained as closed record and shall not be otherwise disclosed without a Court Order.

**RULE 53 JURY TRIALS**

53.1 **INSTRUCTIONS**

Prior to commencement of trial, the parties shall submit in writing to the Court the instructions they anticipate will be offered at the close of all the evidence.

53.2 **CLOSING ARGUMENTS**  
(No Local Rule.)

**RULE 54 JUDGMENT ENTRY**

54.1 **CONTESTED CASES**

Unless otherwise Ordered by the Judge of the case, the attorney or party directed to do so in contested matters shall prepare and submit a proposed judgment to the court and all other attorneys or unrepresented parties within the time frame requested by the Judge.

Any adverse party shall have five (5) days after submission of the proposed judgment to object thereto, or to direct the attention of the Judge to any errors or discrepancies in the proposed judgment. If the court is not notified of any objections, errors or discrepancies, the proposed judgment will be presumed to conform to the Order or docket entry of the Court.

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, unless the Court grants additional time or waives this requirement.

**RULES RELATING TO PARTICULAR ACTIONS**

**RULE 61 ADOPTIONS**

61.1 **FILING REQUIREMENTS**

At the time of filing the petition for adoption or for transfer of custody prior thereto, and upon application to the Court, the Court will appoint a guardian ad litem for the child sought to be adopted and Order the statutory investigation and report.

61.2 **HOME STUDY**  
(No Local Rule.)

**RULE 62 DRIVER'S CASES**

62.1 **APPLICATION FOR HARDSHIP DRIVING PRIVILEGES**

Applications for Hardship Driving Privileges shall be filed with the Circuit Clerk and heard and determined by the Associate Circuit Judge of the counties of this Circuit except for hardship driving privileges granted under Section 478.007, RSMo, which shall be heard as provided in local rule 75. Applicants shall comply with the requirements of Section 302.309 RSMo. 1978, and shall submit three (3) copies of the proposed order for the Court's signature.

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**  
(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**

**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**

(See Supreme Court Rules.)

**67.5.1      IN GENERAL**

(No local rule.)

**67.5.2      DATES**

(No local rule.)

**67.6      DISCOVERY**

(See Supreme Court Rules.)

**67.7      MOTIONS**

(See Supreme Court Rules.)

**67.8      PLEA BARGAINING**

(No local rule.)



67.9 **GUILTY PLEAS**

(No local rule.)

67.9.1 **WHERE ENTERED**

(No local rule.)

67.9.2 **PETITION TO ENTER A PLEA OF GUILTY**

(No local rule.)

67.10 **CALENDAR**

(See Rule 36)

67.11 **PROBATION AND PAROLE**

(No Local Rule.)

**RULE 68 DISSOLUTION OF MARRIAGE**

68.1 **FILING REQUIREMENTS**

At the time of filing any suit of dissolution or annulment of marriage, the attorney for the party or parties filing such suit shall also file with the Clerk all certificates, statistical forms, party information forms, and all other forms required by Statute and E-filing Rules. **No suit for dissolution or annulment of marriage or for legal separation shall be combined in a single petition with a suit to establish paternity. Separate suits must be filed and separate filing fees must be paid for each type of suit. If a dissolution and paternity cause of action are filed by the same party and include all of the same parties in both cases, then the Court will waive the filing fee in the paternity case, and only one set of costs will be assessed to the filing party.**

(Effective January 1, 2006)

68.2 **SEPARATION AGREEMENT**

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

68.3 **FORMS OF DECREES**

All real estate included in any suit under this Rule 68 shall be specifically described by accurate legal description and all motor vehicles, trailers or boats shall be described by manufacturers name(s) and identification number(s), if any, and such other descriptions as may reasonably identify those items of property.

68.4 **FILING OF FINANCIAL STATEMENTS**

In all dissolutions of marriage, separate maintenance and motions to modify proceedings, both on the merits and for temporary orders, where child support, child custody, or maintenance is a contested issue, both

parties shall complete and execute a Statement of Marital and Non-Marital Property and Debts, and a Statement of Income and Expenses. Petitioner or Movant shall file his/her statements with the original petition or motion. Respondent shall file his/her statements with the answer or response. If any changes occur prior to the date of any pendent lite hearing or trial upon the merits, the information provided shall be updated immediately and served on the opposing party. In no event shall amended statements be supplied to the opposing party less than five (5) days prior to any pendent lite hearing or trial upon the merits.

Failure to file the original or amended statements required by this Rule shall not delay any pendent lite hearing or trial upon the merits, but shall be dealt with in the same manner as failure to obey other discovery orders of the Court, and the trial Judge may, in his/her discretion, order sanctions against the non-compliant party, including, but not limited to prohibiting the party from presenting affirmative evidence as to the values of the property, income or expenses which were not presented to the opposing party.

In a dissolution of marriage action wherein the Court allows judgment against a party for attorney's fees, suit money, child support or maintenance pendente lite, said judgment shall be paid before that party may, without the consent of the other party, have a trial on either the petition or cross-petition. This rule shall not be construed to require payment of said judgment as a condition to the obligor's right to defend against affirmative relief sought by the obligee. The provisions of this rule shall be waived by the obligee requesting a trial on the petition or cross-petition.

68.5 **MODIFICATION OF DECREE**  
(No Local Rule.)

68.6 **EDUCATIONAL PROGRAMS**

All parties to any proceeding for dissolution of marriage, legal separation, annulment, paternity, or modification thereof that involve child custody or visitation, who have filed pleadings or who have otherwise entered their appearance with the Court, shall participate in and successfully complete an educational program concerning the effects of custody and the dissolution of marriage on children. In any other case or cases involving minor children, the court may require the parties to attend a court-approved educational program. Any party may attend any such program which is approved by any judicial circuit in the State of Missouri at a facility licensed to present said program. A certificate of completion shall be filed with the court.

The petitioner or movant shall attend said program within 60 days of the filing of the petition or motion. The respondent shall attend said program within 60 days of the date of service of process or filing of a written waiver of service of process.

No case shall proceed to a final hearing on the merits until both parties have attended a court-approved educational session. The court, for good cause shown, may waive the application of this rule.

The trial court may impose appropriate sanctions on any non-complying party, including striking the pleadings of the non-complying party.

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

- (1) **Final Orders Entered – When.** Final orders in a proceeding for dissolution of marriage or legal separation, 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 one of the parties is represented by counsel and the parties have entered into a written agreement determining custody and child support; and
  - (b) The adverse party has been served in a manner provided by 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 affidavit 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.

(12/31/01, eff. 2/1/02)

**RULE 69** **MUNICIPAL DIVISION**  
(No local rule.)

**RULE 70** **PARTITION**  
(No local rule.)

**RULE 71      ADMINISTRATIVE REVIEWS**

(No local rule.)

**RULE 72      PROBATE**

**72.1 Electronic Filing In The Probate Division:**

- A. Except as otherwise provided herein, all probate matters shall be Filed in accordance with Supreme Court Rule 103 and Supreme Court Rule 27. Attachments, including exhibits, which are part of any filing shall be filed electronically at the same time.
- B. The original of the following documents shall be filed physically with the probate division within five (5) business days after it is electronically filed:
  - (1) Upon electronic filing, the will or codicil will be accepted as filed. However, no further process shall occur on the estate until the original will or codicil has been filed with the Court;
  - (2) Original commissions and testimonials of subscribing witnesses.
- C. Medical interrogatories shall be electronically filed in Proceedings for guardianship and/or conservatorship prior to the day of hearing. Originals of those interrogatories shall be presented in court for the purpose of evidentiary stipulations or offers at the time of the hearing on the petition.
- D. Self-represented parties, except those who are attorneys licensed to practice in the State of Missouri, shall file original pleadings and documents with the clerk of the court.
- E. Attorneys shall be responsible for entering all parties into the e-Filing system. Parties shall include:
  - (1) Petitioner
  - (2) Decedent
  - (3) Minor(s)
  - (4) Respondent(s)
  - (5) Spouse
  - (6) All heirs
  - (7) All legatees/devisees
  - (8) Plaintiff(s)
  - (9) Defendant(s)
- F. Any document subject to the requirements of Section 472.080 RSMo, shall bear an original signature and be converted to a PDF format in order to be electronically filed. The original document shall be presented to the court upon request.

- G. In any decedent's estate, including Application for Letters, Affidavit for Small Estate, Refusal of Letters, and Petitions to Determine heirship, a copy of the death certificate shall be electronically filed with the Court.

**72.2 ELECTRONIC FILING OF SETTLEMENTS**

- A. In accordance with Supreme Court Rule 103 and Court Operating Rule 27, all reports in lieu/interim/annual, and final type settlements, including statement of accounts, along with vouchers and required verifications of accounts shall be filed electronically.
- B. All vouchers/checks shall be e-filed as attachment to the settlement. They must be numbered and submitted in consecutive order consistent with the listing of disbursements on the settlement. Supporting documents shall be clearly legible. The court may request presentment of the original voucher or any other supporting documentation if deemed necessary. Further, cancelled vouchers/checks must clearly show the front and back of the voucher/checks.
- C. All verification of accounts shall be e-filed as a separate document and not as an attachment to the settlement. The court may request presentment of the original verification of account or any other supporting documentation if deemed necessary.
- D. Petitions to Approve Settlement, Notices or Waivers from all interested persons, and the Final Settlement/Statement and Proposed Order of Distribution should all be submitted as additional documents and not as attachments.

**72.3 GUARDIANSHIP/CONSERVATORSHIP**

- A. Prior to the hearing seeking appointment of guardian or conservator for alleged disabled or incapacitated person or minor, counsel for Petitioner shall procure and file a state criminal records check for each Petitioner seeking appointment as guardian/co-guardian or Conservator/Co Conservator. Said requirement shall not apply to Petitioners seeking appointment of the Public Administrator.
- B. Petitioners shall electronically file a copy of the minor child's birth certificate with the Petition.

**RULE 73 SMALL CLAIMS**  
(No local rule.)

**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.)

**RULE 75 TREATMENT COURT**

75.1 **ESTABLISHMENT**

As provided by Sections 478.001 to 478.007 RSMo, Drug and DWI courts have been established in each County of the 12<sup>th</sup> Circuit to provide an alternative for the judicial system to dispose of cases which stem from drug and/or alcohol abuse.

75.2 **ASSIGNMENT OF DRUG AND DWI COURT JUDGE**

In the absence of a statutory Commissioner, The Presiding Judge shall appoint a judge to preside over the Drug and DWI Court. There shall be no fixed term of the appointment of the Judge, but the Judge appointed shall preside in the Drug and DWI court until replaced as determined appropriate by the Presiding Judge.

75.3 **TIME AND PLACE**

The Judge presiding in the Drug and DWI court shall fix the times and places for sessions of said courts as the Judge determines appropriate and necessary for the operation of the Drug and DWI courts and to accomplish the purpose of said courts.

75.4 **POLICIES AND PROCEDURES**

The Drug Court Administrator shall prepare a Drug and DWI policy manual establishing the administration of the Drug and DWI courts. The manual and any proposed changes should be reviewed with and by the Drug and DWI court Judge, the Drug and DWI court Team, and the Presiding Judge.

75.5 **LIMITED DRIVING PRIVILEGES FOR DWI COURT PARTICIPANTS AND GRADUATES**

- (1) Upon the filing of an Application for Limited Driving Privilege, service upon the Director of the Department of Revenue shall be accomplished as set forth in Missouri Supreme Court Rule 54.13.

- (2) The Clerk of the Circuit Court shall notify the Missouri Director of Revenue that an order for Limited Driving Privileges is entered by mailing a copy of said order to the Director.
- (3) The Drug Court Judge is assigned to hear all application for Limited Driving Privileges under Section 478.007 or the DWI docket or Missouri Supreme Court Operating Rule 26.
- (4) If a Show Cause Order is issued by the Court or if an order is issued by the Court terminating the Limited Driving Privileges, the Clerk of the Circuit Court shall mail a copy of said orders to the Missouri Director of Revenue and to the holder of the Limited Driving Privileges at the holder's last known address.

(Adopted effective September 13, 2010, Amended effective January 1, 2015)

### **POST TRIAL**

#### **RULE 81      EXECUTION**

Execution shall not be issued by the Clerk except upon written application therefor verified by the oath of the judgment-creditor or his attorney. The written application shall contain the following:

- 1) Style and number of case in which judgment was obtained.
- 2) Date judgment entered or last revived.
- 3) The amount of the original judgment, the amount of accrued interest on the original judgment and the amount of the judgment and interest still unsatisfied.
- 4) The full name and current address, if known, of the judgment-debtor.
- 5) A full description of the property to be executed on.
- 6) The return date on the execution (30, 60 or 90 days).
- 7) Any special instructions to be provided to the Sheriff for performing the execution.

#### **RULE 82      GARNISHMENT** (No local rule.)

#### **RULE 83      JUDICIAL SALES** (No local rule.)

## **INTERNAL ORGANIZATION**

### **RULE 100**

#### **100.1 PRESIDING JUDGE**

The Circuit Judge shall be the Presiding Judge of the Circuit. When the Presiding Judge is unable to serve, the Chief Justice of the Supreme Court will appoint a judge to serve.

##### **100.1.1 ELECTION** (No local rule.)

##### **100.1.2 DUTIES OF PRESIDING JUDGE**

The Presiding Judge is the general administrative authority of the Court. In this function he shall:

- 1) Preside at all Court En Banc meetings.
- 2) Supervise and appoint any needed committee.
- 3) Supervise preparation of the budget.
- 4) Coordinate all duties and vacations of personnel.
- 5) Handle media and government contracts.
- 6) Standardize procedures of the Associate Circuit Judges.

The Presiding Judge has the authority to assign cases to judges and judges to divisions but he is not to assign:

- 1) A municipal judge to hear any case other than to initially hear municipal ordinance violation cases.
- 2) A judge to try a felony case when he has conducted the preliminary hearing.
- 3) A case to a judge contrary to Supreme Court Rules or these rules.

The meetings of the Court En Banc may be called by the Presiding Judge at any time upon notice to other members of the Court. The Presiding Judge has one vote and a majority vote rules. The Presiding Judge may call a special term of Court; appoint a secretary and any additional personnel to aid in the judicial business of the Circuit.

##### **100.1.3 DISPUTE RESOLUTION - PROCEDURE** (No local rule.)



## 100.2 **LOCAL COURT RULES**

### 100.2.1 **FORMULATION**

The Local Court Rules for the Twelfth Judicial Circuit shall be promulgated by the Court En Banc and may be amended or changed from time to time by majority vote of the Court En Banc.

### 100.2.2 **PUBLICATION**

These rules shall be published and distributed according to the provisions of Supreme Court Administrative Rules 6.02 and 6.03.

## 100.3 **LIBRARY FUND**

- A) The Law Library Fund shall consist of the monies collected pursuant to these rules, and the respective Circuit Clerks of the counties shall collect said monies.
- B) On the first day of each month the various Circuit Clerks shall pay the entire fund created by said deposits during the preceding month to the treasurer of said fund. The Circuit Clerks are hereby designated as the treasurer of said fund.
- C) Said fund shall be applied and expended under the direction and order of the Presiding Judge of this Circuit for the maintenance and upkeep of a law library in each county.
- D) The Presiding Judge of this Circuit and all officers of all courts of record in each county and attorneys licensed to practice law in the State of Missouri shall be entitled at all reasonable times to use said library.
- E) If in any suit in which deposit is provided in these rules, the party filing the suit shall prevail, the deposit aforesaid shall be taxed as costs against the attorney or attorneys representing the defendant or defendants or party or parties not prevailing in said suit; and upon collection thereof shall be paid by the Circuit Clerk to the attorney or attorneys making said deposit.
- F) The treasurer of the Law Library Fund of each county in the Circuit, upon approval by the Presiding Judge of the Circuit, shall pay from said fund such bills and charges as shall from time to time become due for maintenance of said law libraries.
- G) The attorney or attorneys filing suit in the Court of this Circuit shall deposit the sum of fifteen dollars (\$15.00) as a Law Library fee, and no summons shall be issued until such deposit

is made. This rule does not apply to those actions excluded by Section 514.470 RSMo., but shall apply to actions filed under Chapter 517 RSMo.

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**  
(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**

100.5.1 **MONIES PAID INTO COURT**  
(No local rule.)

100.6 **SELECTION OF VENIREMEN**  
(No local rule.)

103. **ELECTRONIC FILING**

103.1 The 12th Circuit has become an electronic filing Circuit and this Rule and Supreme Court Operating Rule 27 shall govern all matters subject to electronic filing.

103.2 The 12<sup>th</sup> Circuit is a “no exception” court, and will require that all matters are e-filed unless a matter is resolved while in Court or in front of the Court and the Court allows the document to be submitted in writing, after which, the Court Clerk will scan the document and destroy the original writing.