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CIRCUIT FIFTEEN LOCAL COURT RULES
[Effective 1/1/10]

ADMINISTRATION

RULE 1. DIVISION OF COURT

The divisions of court shall be divided as follows:

1.1 Lafayette County:

Division One: Circuit and Juvenile
Division Two: Probate
Division Three: Associate and Small Claims

1.2 Saline County:

Division Four: Circuit and Juvenile
Division Five: Probate
Division Six: Associate and Small Claims

1.3 Municipal Division - Such municipal divisions in each county as established by the respective municipalities.

RULE 2. HOURS AND TERMS OF COURT

2.1 HOURS OF COURT

All sessions of Court shall be open at 9:00 a.m. For jury trials, counsel and the parties shall be present at 8:30 a.m. The judge of each court may change the starting times on a case by case and docket by docket basis. The following minimum hours are established for the Clerk's office of each division to be open to the public: 8:00 a.m. to 4:30 p.m. The Clerk's office shall be open to the public those hours, five (5) days a week, Monday through Friday, for the purpose of the regular filing of documents in that office; excepting legal holidays. The Clerk's office is deemed always open for the filing of documents. The Court will observe the holidays observed by State Offices of the State of Missouri; or, as ordered by the Chief Justice of the Supreme Court.

2.2 TERMS OF COURT

The circuit court of each county of the circuit shall be in continual session as provided by Section 478.205, RSMo. To the extent that a term of circuit court may be required or specified by these rules or by any provisions of law, the "terms" of court shall be considered as commencing on the dates as hereafter stated:

(a) in Lafayette County on the first Monday in the months of March, July, and November.

(b) in Saline County on the second Monday in the months of January, May, and September.

In case any of these days fall on a holiday, court will be held on the day following. For a list of holidays, see Rule 2.1.

The court shall not be required to convene in any county in the circuit on the first day of any "term" solely because of this rule.

2.3 LAW DAYS

2.3.1 Criminal Law Days for the Circuit Court may be specially designated by the Circuit Judge, but otherwise will be as follows:

Lafayette County (Division I): The 1st and 3rd Monday of the month.

Saline County (Division IV): The 2nd and 4th Monday of the month.

2.3.2 Civil Law Days for the Circuit Court may be specially designated by the Circuit Judge, but otherwise will be as follows:

Lafayette County (Division I): The Tuesday following the 1st and 3rd Monday of the month.

Saline County (Division IV): The Tuesday following the 2nd and 4th Monday of the month.

2.3.3 Juvenile Law Days may be specially designated by the Circuit Judge, but otherwise will be as follows:

Lafayette County (Division I): The afternoon (beginning at 1:00 p.m.) of every Civil Law Day as determined in Section 2.3.2.

Saline County (Division IV): The afternoon (beginning at 1:00 p.m.) of every Civil Law Day as determined in Section 2.3.2.

2.4 PARTICULAR MATTERS ON PARTICULAR DAYS

(a) Only uncontested matters, discovery disputes, criminal arraignments, pleas, sentencings, probation-revocation hearings, and pre-trial conferences may be noticed for hearing on law days, absent the judge's express permission.

(b) All notices of intent to call up matters for hearing on Law Days shall specify the time the matter is to be heard as provided by the Circuit Clerk. Attorneys are expected to be present ten minutes in advance of their setting. If any matter is not ready when called, the party not ready is subject to having the matter heard in his or her absence or having the matter passed. Any matter passed will go to the bottom of the docket for that session, and then if not ready, it will be passed to the end of the day. Any party causing a matter to be passed may be assessed the fees and cost incurred by the other party as a result of the party causing the matter to be passed.

(c) Counsel desiring to have matters heard on law day shall provide the required notice to the opposing party and shall register each case they wish heard, with the time it is set, with the Circuit Clerk by 4:30 p.m. on the Thursday preceding so the clerk may prepare the Law Day Docket.

(d) The clerk shall register the cases as notified by counsel and shall then prepare and provide to the court and counsel a docket listing the cases.

(e) On law day cases will be called for disposition in the order shown on the docket listing.

(f) It shall be the duty of counsel who wish matters to be heard on law day to cause opposing counsel or non-represented opposing party to appear by notice or agreement.

(g) The court may vary the order of hearing cases in its discretion to accommodate exigent circumstances for counsel, parties or witnesses.

RULE 3. PLEADINGS

3.1 CAPTION

The following caption is required on initial pleadings:

In the Circuit Court of _____ County, at _____, Missouri, Division ____

(Name))
(Address))
(City) ,)
)
Plaintiff,)
)
vs.) Case No. _____
)
(Name))
(Address or appropriate directions)
for service))
(City) ,)
)
Respondent.)

TITLE OF PLEADING

BODY OF THE PLEADING

Signed (Attorney of Record, or Party)
(Address)
(Telephone Number)
(Facsimile Number)
(Missouri Bar Number)

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, on 8½ by 11 inch paper 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 numbers 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 and 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.) 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 or other sufficient directions for service for each party to be served and appropriate service instruction.

RULE 4. FILING OF CASES

4.1 CRIMINAL CASES

A. Lafayette County. All cases, pleadings, motions, and papers related thereto shall be filed with the circuit clerk.

B. Saline County.

(a) All cases of misdemeanor or infraction and all complaints charging a felony shall be filed with the clerk of the associate division of the circuit court.

(b) All salary information and all indictments shall be filed in the office of the circuit clerk.

4.2 CIVIL CASES

A. Lafayette County. All cases, pleadings, motions, and papers related thereto shall be filed with the circuit clerk.

B. Saline County.

All civil cases to be initially heard on the record, including a) uncontested dissolution of marriage, legal separation or separate maintenance proceedings; b) uncontested motions to modify decrees of dissolution of marriage, legal separation, separate maintenance, child custody, all family access motions, and child support; c) proceedings for change of name; d) juvenile proceedings; e) uncontested proceedings for the approval of settlement of suits involving claims by persons under 18 years of age; f) uncontested actions involving the title to real estate; and g) all civil actions where the sum demanded, exclusive of interest and costs, exceeds \$25,000; and all actions against any railroad company to recover damages for killing or injuring animals, where the plaintiff at the time of filing so designates in writing, shall be filed with the Circuit Clerk of the appropriate county.

All civil cases to be heard initially not on the record, including a) all civil actions where the sum demanded, exclusive of interest and costs, does not exceed \$25,000 and all actions against any railroad company to recover damages for killing or injuring animals, unless the plaintiff designated in writing at the time of filing, that the case is to be heard on the record; b) all cases of misdemeanor or infraction, except as otherwise provided by law; c) felony cases prior to the filing of the information; d) municipal ordinance violation cases of a municipality which has not provided for a municipal judge; e) "small claims" cases; f) other cases that could be heard and determined by a magistrate judge without assignment as an active Circuit Judge under provisions of law and in effect on January 1, 1979, including but not limited to replevin, attachment and mechanic's lien actions where the recovery sum is less than \$5,000; g) actions for unlawful detainers authorized by Chapter 534, RSMo.; h) actions for rent and possession authorized by Chapter 535, RSMo.; i) petitions for review of driver's license revocations and for hardship driving privileges; and j) other cases as may otherwise specifically be provided by Chapter 517 RSMo. for associate Circuit Judges to hear and determine, shall be filed with the clerk of the associate division.

4.3 PROBATE CASES

A. Lafayette County. All cases, pleadings, motions, and papers related thereto shall be filed with the circuit clerk.

B. Saline County. All probate cases shall be filed in the office of the clerk of the Probate Court.

4.4 JUVENILE CASES

All cases involving juvenile matters shall be filed with the circuit clerk of the county.

4.5 EX PARTE PETITION

For the purpose of implementing Chapter 455 RSMo., the Sheriff of each county shall have available in his office, all forms necessary for the filing of petitions for protection from abuse. After business hours or on holidays and weekends, parties seeking to file said petitions shall go to the appropriate Sheriff's office, where all forms will be made available. The Circuit Clerk shall compose a concise set of written instructions for said parties use and shall provide personnel of the Sheriff's Department with adequate training to allow them to assist parties in completing the forms. Upon completion of the forms and signature by the party seeking relief, the Sheriff's personnel shall contact by telephone any Associate Circuit Judge in that county and advise the judge of the petition and the particulars written on the petition. The judge may execute an ex parte order and transmit it by facsimile and the Sheriff shall proceed forthwith to serve the order. On the next business day the Sheriff shall deliver all the papers to the Clerk in the county as appropriate. The Clerk shall officially file the documents. The Circuit Clerk shall prepare an appropriate form order for use by the Sheriff and the Associate Circuit Judges shall supply a list of dates and times they will be available to conduct hearings on full orders of protection. Said list shall be supplied to the Sheriff on or before the first day of each month and shall be for a period of at least one month.

All Ex Parte Petitions in each county shall be filed with the circuit clerk.

4.6 SMALL CLAIMS CASES

A. Lafayette County. All cases, pleadings, motions, and papers related thereto shall be filed with the circuit clerk.

B. Saline County. Small claims matters should be filed with the clerk of Division VI.

4.7 MUNICIPAL CASES

Municipal ordinance violation cases 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. If the municipality has not made such provisions, the filing for a municipality in Lafayette County shall be with the circuit clerk and for a municipality in Saline County the filing shall be with the clerk of Division VI.

4.8 FAX FILING AND SERVICE OF DOCUMENTS

4.8.1 Authority For Rule. This rule is adopted pursuant to Missouri Supreme Court Rule 43.01.

4.8.2. Fax Filing Authorized

After making the required deposit as provided in section 4.8.4(c) below, a party may file with the clerk of any court who maintains fax machine capacity routine pleadings or motions, together with related correspondence or supporting documentation which taken together do not constitute more than ten (10) pages measuring not larger than 8 1/2 x 11, subject to the following:

(a) Facsimile transmissions received before 4:30 p.m. of a regular work day, excluding Saturdays and Sundays and holidays, shall be deemed filed as of that day at the time transmitted. Filings received after 4:30 p.m. shall be deemed filed as of 8:00 a.m. on the next regular court day and stamped "filed" by the clerk. Holidays are deemed to be national and state holidays and any days designated as a holiday by the Governor or the Missouri Supreme Court.

(b) Every transmission for which service on another party is required shall contain a certification of service upon such parties. If such service is accomplished by facsimile transmission, the certification shall state the time and date of transmission and the telephone number to which the transmission was made, and the method of confirmation that the transmission was received.

(c) The original of any document transmitted shall be retained by the sender and shall be made available to the court within five days of any request therefor. Failure to produce the original shall in the discretion of the court constitute grounds for striking the facsimile pleading or document appearing in the files.

(d) The person fax filing a document bears the risk of loss in transmission, non-receipt or illegibility. If the document is not received or is not fully legible, the document is deemed not filed and totally null and void for all purposes.

(e) If a party requests from the clerk a copy of a pleading bearing a stamp "filed" by facsimile transmission, such party shall provide in advance a fee of \$2.50 for the first page and \$1.00 for each additional page of such document.

(f) Court orders, judgments, decrees, warrants for arrest, and search warrants may be transmitted to clerks of the various divisions or others by facsimile transmission and until receipt of the original document, shall have the same effect and be acted upon by all persons as if they were the original. The court shall cause the original to be transmitted promptly to the appropriate clerk or officer if requested.

(g) The clerk of any court shall not accept facsimile transmission of any pleading requiring a contemporaneous filing fee, bond or other case deposit, copies for summons and service, documents which are required to be verified or documents which require contemporaneous personal appearance such as temporary restraining order, ex parte orders, petitions for writs, etc.

(h) Exception to the above fax rules may be allowed with prior approval of the Judge of the applicable division.

4.8.3 Service By Fax.

(a) Service of pleadings as set forth in Missouri Supreme Court Rule 43.01 may be made by faxing a copy to any party or attorney to be served who maintains a fax machine for receipt of fax transmissions.

(b) Any party or attorney who lists a fax number on a letterhead or pleading in the case file or in a telephone or professional directory or otherwise shall be

deemed to have consented to receive service of documents by fax from the court, the clerk of any division or any other party or attorney.

(c) The person faxing the document assumes the risk of loss in transmission, non-receipt or illegibility of the document. If the document is not received or is materially illegible, the document is deemed not served and totally null and void for all purposes.

(d) The faxed document is presumed delivered and served to the fax telephone number indicated by the sender's fax machine at the date and time of the end of the fax transmission. The sender shall maintain a printout of the fax machine reading supporting such filing and shall produce it if ordered to do so by the court.

(e) Any fax transmission received after 4:30 o'clock p.m. in the time zone of the recipient shall be deemed served on the following business day.

(f) Proof of service by fax shall be shown as provided by Missouri Supreme Court Rules.

4.8.4 Costs For Receipt or Transmission By Fax.

(a) The maintenance of a facsimile device by a clerk's office causes the clerks or the court system additional expense to acquire and maintain a device and phone line to receive these transmissions and often to transfer the transmission to archival quality paper.

(b) The clerk of a division maintaining a fax machine to receive or transmit documents by fax may charge the person or entity filing by fax up to One Dollar (\$1.00) for receiving and processing such documents and up to One Dollar (\$1.00) per page for transmitting such documents.

(c) Unless a party is not subject to paying costs or expenses by law or court order, a party wishing to receive faxes from or transmit faxes to the clerk's office shall deposit with the clerk for the case as follows:

(1) Civil cases - personal injury	\$50.00
(2) Civil cases - other than personal injury	\$25.00
(3) Criminal cases	\$25.00
(4) Family Law cases	\$25.00

(d) If any party or entity fails to make or maintain the appropriate deposit with the clerk, the clerk of the division may decline to receive or transmit any documents by fax from or to such person or entity until the appropriate deposit has been paid.

4.8.5 Fax Utilization.

(a) Nothing in this rule shall require a clerk of any division to maintain a fax machine to receive or transmit documents by fax.

(b) Nothing in this rule shall require the clerk of any division to maintain or designate a fax machine for receipt or transmission of documents outside business hours on business days.

RULE 5. FINES, FEES AND COSTS

5.1 FILING FEE AND COST DEPOSIT

In all cases filed in this circuit there shall be deposited with the appropriate clerk, for which the clerk shall give a receipt, the following sums:

Circuit Division (I and IV):

All original civil cases	\$	150.00	
Each additional defendant	\$	30.00	(\$35.00 for out-of-county)
Filing of Foreign Judgments	\$	100.00	
Motions for Examination of Judgment Debtor	\$	150.00	
Contested Affidavits for Termination of Child Support	\$	150.00	
Family Access Motions	\$	150.00	
Motions/Applications for Amendments Nunc Pro Tunc	\$	150.00	
Adoptions	\$	500.00	(includes \$300.00 deposit for Guardian-Ad-Litem fees)
Adoptions subsidized by the Missouri Children's Division	\$	200.00	
Paternity (requiring Guardian-Ad-Litem)	\$	450.00	(includes \$300.00 deposit for Guardian-Ad-Litem fees)
Guardian Ad Litem (additional)	\$	As ordered	

Probate Division (II and V): Per statute

Lafayette County Associate Division (III):

Landlord/Tenant actions	\$	48.00	plus service fee
All except small claims	\$	100.00	
Small Claims	\$	35.00	plus service fee
Trial De Novo	\$	45.00	
All cases with multiple defendants	\$	30.00	per additional defendant

Saline County Associate Division (VI):

All except small claims	\$	48.00	
Small Claims	\$	35.00	plus service fee
Trial De Novo	\$	45.00	
All cases with multiple defendants	\$	31.00	per additional Saline County defendant and cost of service for each out-of-county defendant

5.2 COSTS

Costs shall be assessed per applicable Supreme Court rule or statute.

5.3 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. No witness who has been subpoenaed and is present in court shall be excused without permission of counsel for opposing party or the court.

5.4 WAIVER OF FEES

(No local court rule)

5.5 MOTION FOR SECURITY

Upon the filing of 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.

5.6 FEES FOR INTERPRETERS

Interpreters and translators may be appointed by the various divisions, to interpret the testimony of witnesses (either language interpretation or hearing impaired interpretation) or to translate any writing, as authorized by law. When the interpreter has completed his or her appointment, the interpreter's request for fees shall be forwarded to the presiding judge for approval. In cases involving hearing impaired interpretation, the fees and expenses of the interpreter are payable from funds appropriated to the Office of the State Courts Administrator. In criminal cases, all fees and expenses of all interpreters, are payable from funds appropriated to the Office of the State Courts Administrator.

5.7 METHODS OF PAYMENT

All fines, fees, and costs shall be paid in the method authorized by the judge of that court. A four dollar (\$4.00) surcharge will be added for any payments made other than by cash, check, cashier's check, or money order.

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

6.1 ASSIGNMENT TO ASSOCIATE CIRCUIT JUDGES

6.1.1 By Local Court Rule or Order.

The judges of the Associate Circuit Divisions shall hear and determine those cases which are filed in that division and in addition the following cases (even if required to be filed in the Circuit Court):

A. Lafayette County.

1. Judge of Division II.

- a. The issuance of orders of protection pursuant to Chapter 455 RSMo. from the stage of the issuance of the temporary order through the issuance or denial of the permanent order, including any extensions, amendments, and terminations thereof.
- b. All trial de novo from Division III.
- c. All protective custody hearings required by §211.032 RSMo. scheduled in even numbered months.
- d. All family access motions.

2. Judge of Division III.

- a. All municipal ordinance violations in any municipality which have made no provision for its own municipal judge.
- b. All transfers and appeals from municipal courts.
- c. All civil actions involving driver's license review, suspension, revocation, or cancellation.
- d. All cases involving the issuance of orders of protection pursuant to Chapter 455 RSMo. through the stage of the issuance or denial of the temporary order.
- e. All cases filed by the prosecuting attorney's office involving an action to establish child support or for contempt for failure to pay child support.
- f. All cases filed by the prosecuting attorney's office for determination of paternity.
- g. All protective custody hearings required by §211.032 RSMo. scheduled in odd numbered months.
- h. All criminal cases in which the only felony charge(s) is/are brought pursuant to §302.020 RSMo., §302.321 RSMo., §302.727 RSMo., §568.040 RSMo., §577.023.1(1) RSMo., §577.023.1(4) RSMo., or §577.060 RSMo. unless probable cause was determined by that judge after a preliminary hearing.

B. Saline County.

1. Judge of Division V.

- a. All cases involving the issuance of orders of protection pursuant to Chapter 455 RSMo.
- b. All trial de novo from Division VI.
- c. All protective custody hearings required by §211.032 RSMo. scheduled in odd numbered months.

2. Judge of Division VI.

- a. All municipal ordinance violations in any municipality which have made no provision for its own municipal judge.
- b. All transfers and appeals from municipal courts.
- c. All civil actions involving driver's license review, suspension, revocation, or cancellation.
- d. All cases filed by the prosecuting attorney's office involving an action to establish child support or for contempt for failure to pay child support.
- e. All cases filed by the prosecuting attorney's office for determination of paternity.

- f. All protective custody hearings required by §211.032 RSMo. scheduled in even numbered months.
- g. All family access motions.
- h. All criminal cases in which the only felony charge(s) is/are brought pursuant to §302.020 RSMo., §302.321 RSMo., §302.727 RSMo., §568.040 RSMo., §577.023.1(1) RSMo., §577.023.1(4) RSMo., or §577.060 RSMo. unless probable cause was determined by that judge after a preliminary hearing.

6.1.2 Special Assignment.

Such cases as required for the efficient administration of the judicial system.

6.2 ASSIGNMENT TO CIRCUIT JUDGES

(No local court rule)

6.3 CERTIFICATION TO CIRCUIT DIVISION

(No local court rule)

6.4 TRIAL DE NOVO

All trials de novo from the court of an Associate Judge shall be heard by the other Associate Judge of the County.

6.5 DISQUALIFICATION OF JUDGE

Except as otherwise prescribed by Missouri Supreme Court Rules, upon disqualification of a Judge, the clerk of the court in which the case is filed shall transfer the case in the following manner:

1. Circuit Judge - Division I

- a. Disqualification by motion of a party - the clerk of the court shall make assignment to the Judge in Division II or Division III based upon a random and chance system. If the motion also includes a timely filed Motion for Change of Venue, then the clerk shall make assignment to the Judge in Division V or Division VI based upon a random and chance system.
- b. By recusal - the clerk of the court shall assign the case to the first Judge of the circuit able and available to hear and determine the case using the order as follows - Division II, Division III, Division V, and Division VI.

2. Associate Judge - Division II

Upon any disqualification, the clerk of the court shall assign the case to the first Judge of the circuit able and available to hear and determine the case by using the order as follows: Division III, Division V, Division VI, and Division I. In the event the disqualification includes a timely filed Motion for Change of Venue, then the order of assignment shall be as follows: Division V, Division VI, Division III, and Division IV.

3. Associate Judge - Division III

Upon any disqualification, the clerk of the court shall assign the case to the first Judge of the circuit able and available to hear and determine the case by using the order as follows: Division II, Division VI, Division V, and Division I. In the event the disqualification includes a timely filed Motion for Change of Venue, then the order of assignment shall be as follows: Division VI, Division V, Division II, and Division IV.

4. Circuit Judge - Division IV

- a. Disqualification by motion of a party - the clerk of the court shall make assignment to the Judge in Division V or Division VI based upon a random and chance system. If the motion also includes a timely filed Motion for Change of Venue, then the clerk shall make assignment to the Judge in Division II or Division III based upon a random and chance system.
- b. By recusal - the clerk of the court shall assign the case to the first Judge of the circuit able and available to hear and determine the case using the order as follows - Division V, Division VI, Division II, and Division III.

5. Associate Judge - Division V

Upon any disqualification, the clerk of the court shall assign the case to the first Judge of the circuit able and available to hear and determine the case by using the order as follows: Division VI, Division II, Division III, and Division IV. In the event the disqualification includes a timely filed Motion for Change of Venue, then the order of assignment shall be as follows: Division II, Division III, Division VI, and Division I.

6. Associate Judge - Division VI

Upon any disqualification, the clerk of the court shall assign the case to the first Judge of the circuit able and available to hear and determine the case by using the order as follows: Division V, Division III, Division II, and Division IV. In the event the disqualification includes a timely filed Motion for Change of Venue, then the order of assignment shall be as follows: Division III, Division II, Division V, and Division I.

6.6 ABSENCE OF JUDGE

In the absence or unavailability of a judge, the judge which would have been assigned pursuant to Rule 6.5 if there had been a recusal is temporarily assigned to sit and perform all of the duties of the absent judge.

6.7 ABSENCE OF PRESIDING JUDGE

(No local court rule)

6.8 CHANGES OF VENUE WITHIN THE CIRCUIT

On all cases, the case is ordered transferred to the other county within the Circuit upon a Motion for Change of Venue, the Judge of the similar division in the county where the case is transferred shall preside over the case upon recusal of the Judge ruling on the change of venue.

6.9 MUNICIPAL DIVISION ASSIGNMENT

The judge of a municipal division may hear and determine only cases which involve the violation of a municipal ordinance within the municipality for which the judge serves. In those municipalities which have elected to provide their own municipal court as provided by law, if any municipal judge be disqualified to act pursuant to Supreme Court Rules or otherwise unable to act, the case shall automatically be assigned to another qualified municipal judge of this circuit as selected by that municipality.

6.10 AUTHORITY OF PRESIDING JUDGE

Notwithstanding any provision of these rules for automatic assignment of cases or automatic transfer of judges, or reassignment of cases or transfer of judges by a Circuit Judge or associate Circuit Judge, the Presiding Judge may assign cases, elect to hear cases requiring automatic assignment, and transfer judges within the limitations of the law as the expedient administration of justice requires.

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 authorization to remove such files is obtained from the court or the clerk of the court except as is provided in this local court rule 7.1. The judge of any division of the court, or a member of such judge's staff, e.g., the judge's secretary or clerk, or a juvenile officer, may remove court files for use in conducting hearings, reviewing cases or otherwise conducting the business of the court upon providing the circuit clerk with written receipt therefor. 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 purposes of considering matters being tried or taken under advisement or preparing transcripts of proceedings upon providing the circuit clerk with written receipt therefor. The clerk of any division 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 that Clerk of each county.

Sentencing assessment reports filed in criminal cases shall be available only to the Court, the prosecuting attorney, and the attorney of record representing the particular defendant to whom the sentencing assessment report applies. No sentencing assessment report may be photocopied without authorization by the Court. The prosecuting attorney and any attorney representing a defendant to whom a sentencing assessment report applies may review the report and make notes therefrom at such time as is convenient to that attorney and the circuit clerk at such location within the courthouse as may be deemed acceptable to the circuit clerk on the day of sentencing or as otherwise allowed by the Court.

7.2 DUPLICATING POLICY

Requests for copies of court records should be directed to the circuit clerk or division clerk. Parties shall be charged the rate which from time to time is established by the clerk from which the copies are requested. Copy charges for the Circuit Court and Associate Court of each county shall be at the rate of .25¢ per page. The cost for certified copies shall be an additional \$2.50 per document. The cost for authenticated copies shall be an additional \$5.00 per document.

RULE 8. PUBLICATION OF DOCKETS

8.1 TRIAL DOCKET

The clerk of the Court shall prepare a trial docket of all civil and criminal cases that are scheduled to be heard on a given day. The dockets shall be available to all attorneys in the Courtroom.

8.2 DISMISSAL DOCKET

The clerk shall each six months, on or about May 1 and November 1 of each year, prepare a dismissal docket of all civil cases pending in the circuit division in which no activity has been noted on the docket sheet for a period of sixty (60) days for domestic cases and a period of six (6) months for all other cases.

RULE 9. COURTROOMS

9.1 ASSIGNMENT OF COURTROOM

The parties shall report to such courtroom as directed by the Judge hearing the case. In Lafayette County the courts are located in Lexington, Missouri, and the courtroom generally referred to as the Circuit Court is located on the second floor of the courthouse and the courts generally used by the Probate Court and Associate Court are located in Lafayette County Hall. In Saline County, the courts are located in Marshall, Missouri, and the court generally referred to as the Circuit Court is located on the east side of the 3rd floor of the courthouse and the court generally used by the Probate Court and Associate Court is located on the west side of the 3rd floor of the courthouse.

9.2 PLACE OF HEARING

The place of hearing will be in the courtroom or such other place as designated by the Judge hearing the case.

9.3 USE OF COUNSEL TABLE

(a) Counsel tables are reserved for the use of counsel and parties to the case being immediately presented to the court.

(b) While examining witnesses, counsel shall stand or sit as near as practicable to the witness; and when addressing the court shall stand at the counsel table.

(c) Objections shall ordinarily be made by standing at the counsel table. Attorneys shall not come to the bench to make objections without permission of the Judge.

(d) Attorneys shall not lean upon the bench nor appear to engage the Judge in a confidential manner.

(e) In the Circuit Courtroom of Lafayette County, Missouri, the party having the burden of proof shall have the use of the side of the counsel table which faces the jury box.

(f) In the Circuit Courtroom of Saline County, Missouri, the party having the burden of proof shall have use of the counsel table nearest to the jury box.

9.4 COURTROOM DECORUM AND DRESS

(a) 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.

(b) 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.

(c) Attorneys appearing before the court and their clients shall be dressed in appropriate attire consistent with professional standards and the dignity of the court. Inappropriate attire may result in a party or an attorney not being permitted to proceed before the court until corrections in conduct and/or appearance by the party or the attorney is corrected to the reasonable satisfaction of the court before which an appearance is being made. The same rule applies to witnesses.

(d) The sheriff or his deputy and the clerk or deputy clerk shall be in the courtroom at all times when the court is in session, unless excused by court.

(e) The bailiff (if excused, the clerk) shall formally open each session of the court, shall enforce the rule against smoking while court is in session, and shall quietly and politely abate any noise or display which detracts from the business of the court.

(f) Counsel should not hold conferences with clients or witnesses in the courtroom while the court is hearing other matters if such conferences disturb the court proceedings and should assist the court in maintaining order and proper decorum.

(g) Smoking is not allowed in the court.

(h) No cell phones shall be allowed to ring in the court.

(i) When addressing the court, counsel should speak while standing at the counsel table when practical.

(j) One attorney for each party filing separate pleadings shall be primarily responsible for the conduct of the trial and for the examination of witnesses. Co-counsel may be allowed to participate by leave of court, which shall be freely given.

9.5 WHO IS PERMITTED WITHIN BAR OF COURT

During the trial of any case, or the presentation of any matter to the Court, no person, including members of litigants families, shall be permitted within the bar of the courtroom proper, other than attorneys, court personnel, litigants and witnesses called to the stand without leave of court. Persons outside the bar shall not disturb the order of the Court.

9.6 CAMERAS IN COURTHOUSES AND COURTROOMS

Videotaping or photographing shall not be permitted in the courtroom or courthouse hallways except with the approval of the judge presiding over that court.

RULE 10. COURT REPORTERS AND COMPENSATION FOR SAME

(a) Preparation of any transcript on appeal by an official court reporter shall be requested in writing and 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.

(b) Preparations of a typewritten transcript of a record preserved by electronic recording device shall be requested in writing and shall not begin until the clerk is paid a sum sufficient to cover the estimated cost of this work. The estimated charge will vary depending upon how the typewritten copy is to be prepared.

(c) If the appellant desires the court clerk to forward the material to the office of state courts administrator for transcribing, the estimated cost will be based on rates authorized for transcripts prepared by an official court reporter.

RULE 11. RECORDING OF JUDICIAL PROCEEDINGS

The Courts of this Circuit shall not permit any camera or other photography device to be used within the Courtrooms other than as may be made use of by the parties such as a video taped deposition, movies of events relevant to the proceedings, to show the type of instrument used to take pictures, and similar matters. ABSOLUTELY NO PERSON SHALL BE PERMITTED TO PHOTOGRAPH ANY PART OF THE ACTUAL PROCEEDINGS OF THE COURT OR OF ANY COURT PERSONNEL AT ANY TIME THAT THE COURT IS IN SESSION WITHOUT LEAVE OF COURT. THE FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS RULE MAY SUBJECT THE PERSON VIOLATING THE SAME TO CRIMINAL AND/OR CIVIL CONTEMPT OF COURT.

Whenever a person desires that a particular proceeding be recorded, he may request the matter to be put on the Official Record, and may pay the cost. No other method of recording or creating a secondary record, other than notes of those in attendance, shall be permitted. No person may record any portion of court proceedings without leave of court.

In the event a person desires a compact disk of an electronically recorded proceeding, the cost of preparing a copy of such compact disk shall be \$25.00.

RULE 12. MONIES PAID INTO COURT

(No local court rule)

12.1 BOND IN CIVIL CASES

(No local court rule)

RULE 13. COMMUNICATIONS WITH COURT

13.1 ORAL COMMUNICATIONS WITH THE COURT

The court will not permit private interviews, arguments or communications where interests to be affected thereby are not represented, except in cases where provision is made by law for ex parte application. Any such attempt will be summarily terminated by the court. Attorneys are admonished to inform clients of this rule.

13.2 WRITTEN COMMUNICATIONS WITH COURT

Copies of all written materials and documents filed in any pending case file and copies of all written communications between one or more parties, counsel, Clerk or Judge, hereinafter referred to as "the Court", shall be provided to opposing counsel in the same method of transmission and delivery used to communicate with the Court.

By way of illustration, if a Motion is faxed to the Court, a copy of this Motion shall be faxed to opposing counsel on the same date and at the same approximate time as the communication made to the Court. If the same method of transmission and delivery of the communication in question is not available, the Court and opposing counsel should be clearly advised by the party submitting the faster communication to the Court of that fact and every reasonable effort shall be made to timely deliver the information to the opposing counsel as soon as practical.

Nothing contained herein shall undermine any Rule of Professional Responsibility regarding ex parte communications with the Court about the facts of a case.

RULE 20. CASE MANAGEMENT

(a) A motion not requiring evidence or extended argument shall be set for determination by a notice of hearing filed by a party setting the motion for hearing at a time on a law day pre-arranged with the Clerk. The Court may set any pending motion for determination and provide notice to all parties of the date and time.

(b) A motion requiring evidence or extended argument shall be set for determination by the filing of a motion for trial setting noticed up on a law day as provided in paragraph (a) above. The Court may set any pending motion for determination and provide notice to all parties of the date and time.

(c) A judge may issue a Scheduling Order for the purpose of providing direction and time limits for the disposition of a case and may impose sanctions if the requirements of the Scheduling Order are not met.

GENERAL RULES

RULE 21. ATTORNEYS

21.1 RESOLUTION OF CONFLICTING TRIAL SETTINGS

(No local court rule)

21.2 ENTRIES OF APPEARANCE

(a) Attorneys retained in pending cases shall enter their appearance promptly after their employment.

(b) Written entries of appearance by parties will not be accepted in lieu of service of summons unless they have been executed and acknowledged as required in the execution of deeds and unless they recite that the party has received a copy of the petition or motion.

21.3 CONDUCT OF ATTORNEYS

Counsel should maintain the dignity and decorum of proceedings in court by proper demeanor towards opposing counsel, parties, witnesses, and the court. They should refrain from making unfair or derogatory personal references to opposing counsel, from haranguing, vexatious, or offensive interrogation of witnesses, and from making objections in a loud or discourteous fashion.

21.4 WITHDRAWAL 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 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. 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 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. 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 let-

ter shall advise the former client of any scheduled court proceedings or pleading deadlines in the case.

(f) No hearing shall be required if a Motion to Withdraw is accompanied by a consent of the client and an Entry of Appearance by new counsel.

21.5 FAILURE OF ATTORNEY TO ANSWER DOCKET CALL

On the dates that cases are set for trial or hearing, all attorneys who have trial settings shall be present in the courtroom when the matter is called, unless excused by the court, and unless the attorney be present or be excused, the case will be heard by the court, continued, or stricken from the docket by the court as the court, in its discretion, deems appropriate. Cases not tried on the day for which they are set, due to the absence of counsel for a party plaintiff, party claimant or party movant, are subject to dismissal for lack of prosecution. Said dismissal may be with or without prejudice as determined by the Court

21.6 APPOINTMENT OF ATTORNEYS

Attorneys may be appointed by the court from time to time to represent parties as required by Missouri Statutes and Missouri Supreme Court rules.

21.7 AGREEMENT OF ATTORNEYS

No private or prior stipulation or agreement between parties or attorneys in a pending cause will be recognized unless made in writing and filed with the clerk or made orally in open court.

21.8 ADVICE TO CLIENT AND WITNESSES OF COURTROOM PROCEDURE

(a) 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.

(b) He is to advise his client not to discuss any phase of the case with the court.

(c) 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 rule, whether willfully or otherwise, such witness shall not be permitted to testify, except by consent of opposing counsel or unless the court in its own discretion, rules that justice requires such testimony be received, under all the circumstances to be considered.

(d) All attorneys are to advise their clients and witnesses not to discuss any matter related to a trial in process with any juror or in the presence of any juror.

RULE 22. APPOINTMENT OF GUARDIAN AD LITEM

Guardians ad litem will be appointed in civil cases for unknown or incompetent parties, members of the Armed Forces in default, minors, and those confined to prison as required by law.

22.1 WHEN GUARDIAN AD LITEM MAY BE APPOINTED

The appointment of a Guardian ad Litem may, in the discretion of the Court without hearing, be made:

(a) Upon the request of any party;

(b) In an action for declaration of paternity where the child is named as a defendant, or if the Court determines that the interests of the child and his Next Friend are in conflict; or

(c) Upon the request of the parties in all proceedings where child custody, child support or visitation rights are contested issues.

22.2 GUARDIAN AD LITEM--DISQUALIFICATION

(No local court rule)

22.3 PAYMENT OF GUARDIAN AD LITEM FEES

(a) Security. Payment of Guardian ad Litem fees shall be made upon court order from the security deposited with the Court by the Parties. Payment shall be made at the conclusion of the case or at intervals which the Court deems appropriate. Additional security may be ordered by the Court to cover additional Guardian ad Litem fees. Sufficient security for Guardian ad Litem fees may be ordered without hearing. Nonpayment of security for Guardian-ad-Litem fees by a party, at the discretion of the court, may result in his or her pleading being stricken.

(b) No Security. In the event that security has not been posted for the payment of Guardian ad Litem fees, such fees may be awarded as a judgment to be paid by any party to the proceeding, or may be taxed as costs to be paid by the party against whom costs are taxed, or from public funds. Prior to assessing Guardian ad Litem fees to public funds notice shall be given pursuant to Local Rule 22.3(c), unless the governmental entity concerned has filed a memorandum with the Court stating that it does not intend to intervene and contest the reasonableness of the Guardian ad Litem fees.

(c) Notice. The Guardian ad Litem shall file a notice with the government entity having custody of public funds when he intends to request the Court to tax his fees as costs against public funds. The notice shall be filed with the Court and the government entity, in writing, at least thirty (30) days prior to the trial or date of hearing.

RULE 23. TRANSCRIPTS

All written transcripts of an electronically recorded court proceeding will be prepared by the Central Transcribing Unit at the Office of the State Courts Administrator. The Clerk of the Court will submit the electronic recording for transcription after receiving a written request and required deposit.

RULE 24. EXHIBITS

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

RULE 28. SPECIAL PROCESS SERVERS

All motions for appointment of special process server shall be in writing and must be approved by the court or the court clerk. The motion shall state that the individual proposed to be appointed is over the age of 21, not related to or an employee of the party requesting the appointment, and that the individual is of good moral character. The motion shall also state why the appointment of a special process server is necessary.

(a) The Court Clerk may appoint a natural person other than the Sheriff to serve process in any cause.

(b) Orders appointing a person other than the Sheriff to serve process shall be made at the risk of the requesting party.

(c) Any person of lawful age, other than the Sheriff, appointed to serve process shall be a natural person and not a corporation or other business association.

(d) No person, other than the Sheriff, shall be appointed to serve any order, writ, or other process which requires any levy, seizure, sequestration, garnishment, or other taking by an officer.

(e) This appointment as Special Process Server does not include the authorization to carry a concealed weapon in the performance thereof.

PRETRIAL MATTERS

RULE 32. DISCOVERY

32.1 USE OF DISCOVERY AND CERTIFICATION TO CIRCUIT DIVISION

A party requesting a trial setting represents to the court that the case is at issue, that all motions have been disposed of, and that all discovery has been completed. No further discovery can be made by the requesting party without order of the court. The party not requesting a trial setting shall have ten (10) days after notice that trial setting will be requested in which to begin any additional discovery. Any discovery requested after that date will require an order of the court.

32.2 INTERROGATORIES

(a) The scope of interrogatories is governed by Rules 56.01(b) and 57.01(b) of the Missouri Rules of Civil Procedure. Interrogatories are one among several discovery tools. They can be misused particularly in this day of sophisticated word processing equipment.

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

(c) Interrogatories shall be served upon opposing counsel and unrepresented adverse parties as provided by Missouri Rules of Civil Procedure. Interrogatories are not to be filed with the court. The propounding party shall show on the interrogatories the certificate of mailing and shall promptly file with the court a separate certificate of mailing of the interrogatories which shall include the information as required by Missouri Rules of Civil Procedure.

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

(e) 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 a certificate of mailing of the interrogatory answers with the clerk of the court, mailing a copy to each party.

(f) No party shall serve on 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 (30) interrogatories in the aggregate in all other civil cases without leave of court or consent of opposing counsel. In all civil cases, including domestic relation cases, subparagraphs of any interrogatories shall relate directly to the subject matter of the interrogatory and shall not exceed four (4) 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

Following final disposition in civil cases, the clerk of any division may cause depositions in the file of the case to be returned to the custody of the attorney for the party on whose behalf it was taken, who shall thereafter be responsible for them. If the clerk shall deliver over depositions as herein provided, notation thereof shall be made on the docket sheet of the case file.

32.4 MOTION FOR SANCTIONS

(No local court rule)

32.5 CRIMINAL DISCOVERY

(No local court rule)

32.6 REQUEST FOR ADMISSIONS

(a) Request for admission shall be served upon opposing counsel and unrepresented adverse parties as provided by Missouri Rules of Civil Procedure. Request for admissions are not to be filed with the court. The propounding party shall show on the request for admissions the certificate of mailing and shall promptly file with the court a separate certificate of mailing of the request for admissions which shall include the information required by Missouri Rules of Civil Procedure.

(b) All answers or objections to requests for admissions shall be typewritten in the space provided. Answers to request for admissions shall not be filed with the court, but instead a certificate of mailing of the answers to request for admissions shall be filed and a copy sent to each party.

RULE 33. PRETRIAL MOTIONS

33.1 HEARING DATES

All pretrial motions made by either party shall be filed, noticed and heard no later than seven (7) days prior to the date set for trial or hearing unless otherwise set by the court.

Except for good cause shown, and in unusual circumstances, no motion shall be filed later than seven (7) days before the trial or hearing date. Any motion filed later than seven (7) days before the trial or hearing date shall be subject to automatic denial.

33.2 BRIEFS IN SUPPORT OF MOTIONS--WHEN REQUIRED

(No local court rule)

33.3 ORAL ARGUMENTS--WHEN DESIRED AND HOW REQUESTED

(No local court rule)

33.4 MOTION IN LIMINE

(No local court rule)

33.5 REQUEST FOR JURY TRIAL--ASSOCIATE CIRCUIT DIVISION

Any request for trial by jury in a case pending before an associate Circuit Judge must be made by a separate written request, apart from another pleading, clearly designated Request for Jury Trial or by oral motion in open court before the judge presiding over the docket to which the case is assigned.

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 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. PRETRIAL CONFERENCES

On the motion of any party or on the Judge's own motion, the Judge may direct the attorney or the attorneys and the parties in any pending action to appear for a pretrial conference. The purpose of the pretrial conference shall be to discuss settlement if desired by the parties, or to hear and determine any pretrial motions in limine and objections to deposition testimony which a party intends to offer at trial, or to take up any other pretrial matters which could avoid unnecessary delays during trial. The scope and scheduling of remaining discovery may also be discussed.

RULE 36. SETTING CASES FOR TRIAL

36.1 REQUEST FOR TRIAL

(a) Upon request of counsel, cases may be set for trial with notice to opposing counsel or parties, or at any time by agreement of all parties or upon the court's own motion.

(b) A party requesting a trial setting represents that he has completed his discovery, that all pretrial motions have been ruled, and that the case is at issue; and additionally in domestic cases, that section 68.6 of these local rules has been complied with. Further discovery shall be closed twenty days thereafter. However, the court may grant additional discovery or extension of time upon written motion for good cause shown.

(c) The clerk shall give notice to all parties or counsel, not present at the time of setting, of all trial settings not made by agreement of the parties.

(d) Objections to trial settings must be made at the date upon which notice has been given to make the trial setting. Objections to trial settings made at any other times must be made in writing within ten days after notice thereof, with copies to opposing counsel and the hearing Judge.

36.2 DATE OF CALENDAR CALL

(No local court rule)

36.3 PREPARATION OF CALENDAR

(No local court rule)

36.4 CALENDAR CALL

(No local court rule)

36.5 REMOVAL AND INACTIVE CALENDAR

(No local court rule)

36.6 REVISION OF AND REMOVAL FROM PREPARED CALENDAR

(No local court rule)

36.7 SPECIAL ASSIGNMENTS

(No local court rule)

36.8 CONTINUANCES

Once a case has been set for hearing or trial pursuant to this rule, no continuances shall be granted unless ordered by the Court.

RULE 37. DISMISSALS

37.1 DISMISSAL DOCKET

Cases requiring service of process which have been filed for over thirty (30) days without a correct address for service of process, domestic relations cases remaining inactive for sixty (60) days which are not set for trial, and all other cases remaining inactive for a period of six (6) months which are not set for trial shall be placed on the next law day docket for trial setting or dismissal. If the parties do not appear, the case may be dismissed by order of the court. Any case dismissed in accordance with this rule is a dismissal without prejudice. The Circuit Clerk shall forthwith give notice of the dismissal to the parties at their last known address, or the attorneys of record.

37.2 REINSTATEMENT OF CAUSE

Any case dismissed pursuant to Rule 37.1 may be reinstated within thirty (30) days from the date of dismissal for good cause shown.

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 court rule)

TRIALS

RULE 51. COURT-TRIED CASES

51.1 DEFAULT AND UNCONTESTED MATTERS

(No local court rule)

51.2 CONTESTED MATTERS

(No local court 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 in such form as requested.

RULE 52. SELECTION OF JURY

52.1 JURY QUESTIONNAIRES

(a) The jury questionnaire shall be delivered with the summons along with directions to fill it out and return it to the clerk's office within ten (10) days.

(b) Jury questionnaires shall be available by contacting the Circuit Clerk.

(c) The jury questionnaire may be inspected by the attorneys at any time that the court is in session.

(d) Attorneys shall not, as part of the voir dire examination, examine a member of the jury panel as to any matter contained on the jury questionnaire, without the permission of the court, except as to events that have occurred since the signing of the questionnaire.

RULE 53. JURY TRIALS

53.1 INSTRUCTIONS

53.1.1 Criminal Case. Prior to the commencement of any jury trial of a criminal case, the prosecuting attorney shall prepare proposed jury instructions for use by the Court. Defense counsel is responsible for preparing and submitting to the Court, prior to the commencement of the trial, any instructions to be requested by the defendant; or, any instructions defendant is offering in the alternative to those submitted by the prosecuting attorney.

53.1.2 Civil Cases. The attorney for the plaintiff shall prepare the following instructions for use in jury trials of civil cases: Cautionary, explanatory, facts not assumed, burden of proof, number of claims, package explanation and all applicable verdict forms. All parties shall have the proposed instructions they wish to submit prepared for tender to the court as requested by the Judge, including instructions and affirmative defense instructions.

53.2 CLOSING ARGUMENTS

(a) An attorney will be given a reasonable time for argument and the court will decide the period of time allowed. Plaintiff may divide his time between opening and closing argument, but not more than one-half of his time may be spent in closing. Time may be extended at the discretion of the court.

(b) Arguments by multiple parties are made in the order named in the pleading unless otherwise agreed to by the parties or directed by the court.

RULE 54. JUDGMENT ENTRY

54.1 CONTESTED CASES

Unless otherwise ordered by the court, it shall be the duty of counsel for the party in whose favor an order is made or a judgment is rendered, to prepare the decree or judgment entry and to submit the same to the court in the form requested.

54.2 DEFAULT OR UNCONTESTED CASES

In default or uncontested cases, the attorney for the prevailing party shall submit to the Court for its approval the judgment entry or decree to be entered in the case on the day the case is heard, or within no more than thirty (30) days in the discretion of the Court. Extensions thereof may be granted for good cause shown. In all matters of default or uncontested cases which are presented pro se, the party presenting same shall present a proposed judgment entry or decree in proper form to the Judge prior to the commencement of any hearing thereon.

RULES RELATING TO PARTICULAR ACTIONS

RULE 61. ADOPTION

61.1 FILING REQUIREMENTS

61.1.1 Filing requirements at the time of filing the petition, counsel for petitioners shall file:

- (a) Filing fee;
- (b) Affidavit of Accounting, pursuant to Section 453.075, RSMo.;
- (c) Certificate of Decree of Adoption;
- (d) Putative Father Registry Check, pursuant to Section 192.016, RSMo. (if child born out of wedlock and father's rights not previously terminated).

61.1.2 Filing requirements subsequent to filing the petition:

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

- (1) Consent to Adoption;
 - (2) Service of Summons;
 - (3) Waiver of Service (Court Order);
 - (4) Service of Publication;
 - (5) Certified Death Certificate;
 - (6) Criminal Background Check;
- (b) Consent of Child--if child over fourteen years of age;
- (c) Consent from Agency--where applicable;

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

(e) Proposed Judgment and Decree of Adoption.

61.2 HOME STUDY

Unless waived pursuant to §453.070, RSMo, upon the filing of the Petition, the Division of Family Services or other agency designated by the Court, shall initiate an investigation of the suitability of the child for adoption and the suitability of petitioners as parents for said child. The Clerk shall notify the appropriate agency to conduct such investigation and file a written report thereof.

RULE 62. DRIVERS' CASES

62.1 Applications for Hardship Driving Privileges.

Shall be filed in the Associate Division and shall be heard as provided by Local Court Rule 6.

62.2 Petitions for Review.

Shall be filed in the Circuit Division and shall be heard as provided by Local Court Rule 6.

62.3 Breathalyzer Test.

Shall be filed in the Circuit Division and shall be heard as provided by Local Court Rule 6.

RULE 65. CIVIL COMMITMENT

All cases and matters pertaining to civil commitment of an individual and papers relating thereto shall be filed with the Clerk of the Probate Division of the appropriate county.

RULE 66. CONDEMNATION

(No local court rule)

RULE 67. CRIMINAL CASES

67.1 PRETRIAL 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 as provided in Local Court Rule 6.

67.1.2 Deposit of Operator's License.

(No local court rule)

67.1.3 Qualification of Compensated Sureties. Any surety agent listed by the Missouri Department of Insurance pursuant to §374.763 as qualified to write surety bonds in the State of Missouri may post surety bonds in this circuit for an amount not to exceed \$50,000.00. For any surety bond in excess of \$50,000.00, prior approval must be obtained by the judge on the case before the agent is considered qualified. Any compensated surety, against which there exists an unsatisfied judgment in any court, shall be considered stricken from the list until re-approved.

67.1.4 Release of Surety from Bond. No surety shall be released from liability on a bond in a case not finally resolved without the approval of the Court after hearing on a motion filed with the Court.

67.1.5 Posting of Bond Money. All bonds may be posted with the clerk of the court or the local sheriff in the form of tender approved by the office receiving the bond money. All bond money received will be considered the funds of the defendant and the bond receipt will be issued in the defendant's name.

67.1.6 Refund of Posted Bail Bond Money. The clerk shall not refund monies posted as bond other than upon tender of the bond receipt or order of the court. If the bond receipt is in the defendant's name, the clerk shall first deduct and retain all unpaid fines and costs, after which the clerk shall refund any balance to either the defendant or the defendant's designated payee. All bonds shall be retained until all fines and cost have been paid.

67.2 Preliminary Hearing.

(No local court rule)

67.3 Grand Jury.

(No local court rule)

67.4 ATTORNEYS

(No local court rule)

67.5 ARRAIGNMENTS

67.5.1 In General.

(No local court rule)

67.5.2 Dates

If the plea is not guilty, a date shall be set for plea or trial setting and for the filing and hearing of all pretrial motions. After a hearing on the motions, a date for trial will be set.

67.6 DISCOVERY

(No local court rule)

67.8 PLEA BARGAINING

(No local court rule)

67.9 GUILTY PLEA

67.9.1 Where Entered. Pleas of guilty may be entered only in the division of the court where the case is originally assigned or in the division where the case is assigned for trial.

67.10 CALENDAR

(No local court rule.)

67.11 PROBATION AND PAROLE

(No local court rule)

RULE 68. DISSOLUTION OF MARRIAGE, LEGAL SEPARATION, PATERNITY, AND MODIFICATION

68.1 FILING REQUIREMENTS

(a) Every petition for dissolution of marriage, legal separation, and modification shall comply with Section 452 RSMo.

(b) Information necessary to give notice to the Department of Social Services, State of Missouri, of the entry of a judgment of dissolution of marriage or legal separation shall be supplied by counsel for the parties on forms provided for that purpose by the Circuit Clerk. Completion and filing of the information form shall be effected at the time of the filing of the petition for dissolution or legal separation.

(c) An information statement to the Circuit Clerk's office for processing of maintenance or child support payments must be completed in every case in which such payments are to be ordered. The forms shall be furnished by the Circuit Clerk and completed and filed at the time the decree and property settlement are submitted to the court.

(d) No hearing shall be conducted nor a judgment entered in any dissolution case until thirty (30) days have elapsed after date of filing of the petition.

(e) Attorneys shall furnish all judgments, motions, dismissals, temporary orders, orders for publication, et cetera.

(f) In all dissolution cases, legal separation cases, paternity cases, and motions to modify in which there are unemancipated children, the parties shall submit a Form 14.

(g) In all dissolution cases, legal separation cases, paternity cases, and motions to modify in which the custody or visitation of minor children is involved, the initial pleading and answer shall be accompanied by a proposed Parenting Plan.

(h) Every judgment and every order for support of a minor child shall comply with Section 452 RSMo.

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 filed at the time of the hearing.

68.3 FORMS OF JUDGMENTS

(a) All judgments shall contain all findings and orders by the Judge and must include and recite all findings as required by statute and case law shall contain an order which shall contain all decisions of the Court.

(b) In all cases an original and no less than two (2) copies of the judgment shall be submitted to the Court.

68.4 FILING OF FINANCIAL STATEMENTS

(a) In all cases for dissolution of marriage, legal separation, paternity, and any motion to modify a decree with respect to support or maintenance, questionnaires entitled "Income and Expense Statement" and "Statement of Marital and Non-Marital Property" in the form established by the Court shall be completed by each party under oath and shall be filed with the Circuit Clerk on the day of trial and served upon opposing counsel or opposing party three (3) days prior to trial. These requirements are waived by the Court in settled cases.

(b) In all cases for dissolution of marriage and legal separation, the legal description of each parcel of real estate in which the parties, or either of them, have an interest shall be typewritten on a separate sheet of paper and attached to the parties "Financial Statement" and filed with the Circuit Clerk.

68.5 EDUCATIONAL SEMINARS FOR PARENTS

(a) All parents in any action for dissolution, legal separation, paternity, and motions to change custody/visitation, and other domestic relations actions, but excluding adult abuse, child abuse, and Juvenile Court proceedings, who are parents of a minor child or children under the age of seventeen (17) years old, where custody is to be determined by the Circuit Court, shall be required to attend the seminar entitled "Focus on the Kids", "Putting Kids First", or such other parenting seminar approved by the Court.

(b) Each parent shall be required to pay the cost for participation in the seminar directly to the provider.

(c) The agency which presents the seminar shall file a certificate of attendance with the appropriate Circuit Clerk upon completion of the seminar by each participant.

(d) Upon the failure of any parent to attend the seminar pursuant to this rule, the Court may, upon its own motion or upon the motion of any other party to the action, take appropriate action to enforce compliance with this rule.

(e) For good cause shown, the Court may waive the requirements of this rule.

68.6 SETTLEMENT CONFERENCE

(a) A settlement conference shall be held in all domestic cases prior to setting the case for trial unless waived by the Court. Settlement conferences in Lafayette County shall be scheduled through the circuit clerk (660-259-6101) and

settlement conferences in Saline County shall be scheduled through the clerk of Division V (660-886-8808).

(b) The parties shall be present in the courthouse at the time of such conference, unless other arrangements have been made.

(c) Counsel shall file and furnish to opposing counsel at the time of the conference a proposal to settle the issues in dispute. If property division is in dispute, counsel shall file and furnish to opposing counsel at the time of the conference a proposal on the division of property setting forth the value of said property. If the issue is child custody and visitation, a proposed Parenting Plan setting forth custody and visitation shall be filed. If the issue is child support, a proposed Form 14 shall be filed.

(d) A settlement conference shall be held at least thirty (30) days prior to the date scheduled for trial. If there is no trial date scheduled, the Court may schedule the matter for trial at the conclusion of the settlement conference for a date in the future.

(e) The settlement conference shall be conducted within this time frame unless the Court finds reason to waive the time. A waiver shall be requested in writing to a date certain.

(f) Failure of an attorney, or litigant, if there is no attorney of record, to be prepared for, appear at, or cooperate in the settlement conference may subject the attorney or litigant to sanctions, including an award of attorney's fees and expenses to any attorney or litigant prejudiced or inconvenienced by such conduct. The Court may excuse an attorney's, or a litigant's failure to appear upon good cause shown.

(g) The settlement conference shall be conducted by the Court as a strong settlement tool. The discovery required by Rule 68.07 will be provided to the Court at the time of the settlement conference, unless previously waived by the Court in a status pre-trial conference. There will be no change of judge granted after the pre-trial conference, except as provided by Supreme Court Rules.

68.7 SELF REPRESENTATION

Every party not represented by counsel who participates in a proceeding for dissolution of marriage, legal separation, paternity, or the modification of a judgment in any such proceeding shall use the pleading forms found at www.selfrepresent.mo.gov and shall complete the litigant awareness program designed by the Supreme Court also found at the above listed website. The litigant shall complete this program and shall certify to the Court, in writing, that he/she has completed this program.

RULE 69. FAMILY ACCESS MOTIONS

All family access motions shall be filed separate from any other request for relief, will be assigned a sub-case number, and will require a separate filing fee.

RULE 70. MUNICIPAL DIVISION

(No local court rule)

RULE 71. PARTITION

(No local court rule)

RULE 72. ADMINISTRATIVE REVIEWS

On all reviews, relators or plaintiffs are required to file and to serve their briefs and suggested conclusions of law and findings of fact within thirty (30) days following the filing of the record in this Court; thereafter, respondents or defendants are required to file and to serve their briefs and suggested conclusions of law and findings of fact within thirty (30) days after compliance by relators or plaintiffs; thereafter, relators or plaintiffs are required to file and to serve their reply briefs within ten (10) days after compliance by respondents or defendants. No brief shall exceed twenty-five (25) pages in length.

Thereafter, either party may notify this Court that the cause is ready for argument and submission.

RULE 73. PROBATE

(No local court rule)

RULE 74. SMALL CLAIMS

(No local court rule)

RULE 75. TRUST ESTATES

(No local court rule)

75.1 INVENTORY

(No local court rule)

75.2 REPORTS

(No local court rule)

75.3 RECORD

(No local court rule)

75.4 AUDIT

(No local court rule)

POST TRIAL

RULE 81. EXECUTION

Executions 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:

(a) style and number of case in which judgment was obtained;

(b) date judgment entered or last revived;

(c) 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;

(d) the full name and current address, if known, of the judgment-debtor;

(e) a full description of the property to be executed on;

(f) the return date on the execution (in the length as allowed by law);

(g) any special instructions to be provided the sheriff performing the execution.

(h) thirty dollars (\$30.00) to apply toward sheriff's fees and clerk's fees shall be paid to the clerk at the time of filing the application for in-county executions and forty dollars (\$40.00) for out-of-county executions.

RULE 82. GARNISHMENTS

Garnishments 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:

(a) style and number of case in which judgment was obtained;

(b) date judgment entered or last revived;

(c) 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;

(d) the full name and current address, if known, of the judgment-debtor;

(e) a full description of the property to be executed on;

(f) the return date on the execution (in the length as allowed by law);

(g) any special instructions to be provided the sheriff performing the execution.

(h) thirty dollars (\$30.00) to apply toward sheriff's fees and clerk's fees shall be paid to the clerk at the time of filing the application for in-county executions and forty dollars (\$40.00) for out-of-county executions.

83. JUDICIAL SALES

(No local court rule)

INTERNAL ORGANIZATION

RULE 100

100.3 LIBRARY FUND

Pursuant to Chapter 514.440 RSMo., any party filing a civil case in the circuit shall, at the time of filing of the suit, be required to deposit with the clerk of the court a surcharge in the amount of fifteen dollars (\$15.00) in addition to all other deposits required by law or court rule. All sums collected pursuant to this rule shall be governed by Section 514.450 RSMo., et seq. This rule shall not apply to proceedings when costs are waived or are to be paid by the county or state or any city. On or before the 10th day of each month, each Clerk who is responsible for the collection of such fees shall pay the entire fund created by said deposits during the preceding month to the treasurer of said fund as hereinafter designated. Said fund shall be applied and expended in the county collected under the direction and order of the presiding judge for the maintenance and upkeep of the law library and for such other purposes allowed by law.

Treasurers of the law library fund in the various counties of the Circuit shall be designated by order of the presiding judge. The treasurer of the law library fund shall in January of each year file with the presiding judge a report as of December 31st of each year, setting forth the monies received and disbursed during the preceding twelve month period.

100.4 STORAGE OF RECORDS

(No local court rule)

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

(No local court rule)

100.4.2 Reproduction and Preservation of Court Records Other than Files (and Their Contents).

(No local court rule)

100.4.3 Responsibility for Indexing and Preserving Court Reporter Notes.

(No local court rule)

100.4.4 Identification of Reporter's Notes.

(No local court rule)

100.4.5 Index.

(No local court rule)

100.4.6 Storage of Notes.

(No local court rule)

100.4.7 Notes of Substitute Reporters.

(No local court rule)

100.4.8 Storage of Notes Upon Retirement, Termination or Death of Court Reporter.

(No local court rule)

100.4.9 Boxing and Storing of Old Notes.

(No local court rule)

100.4.10 Responsibility for Furnishing Materials and Space for Storage of court Reporter Notes.

(No local court rule)

100.4.11 Procedure for Examination of Criminal Records.

(No local court rule)

100.4.12 Procedure for Expunging and Closing Criminal Records.

All records ordered expunged shall be treated as a level five case as defined by court operating rules promulgated by the Office of the State Courts' Administrator.

100.5 CLERK'S DUTIES.

(No local court rule)

100.5.1 Monies Paid Into Court.

(No local court rule)

100.5.2 Subpoenas

The Clerk shall only issue subpoenas for cases which are set for trial. Each subpoena shall be completed with all information available to the clerk before delivery to the person requesting the subpoenas.

100.6 SELECTION OF VENIREMEN.

(No local court rule)