

LOCAL COURT RULES  
TWENTY-THIRD JUDICIAL CIRCUIT  
JEFFERSON COUNTY, HILLSBORO, MISSOURI  
Effective March 1, 2013

ADMINISTRATION

RULE 1      DIVISIONS OF COURT

1.1      DIVISIONS OF COURT

There shall be twelve divisions of court which shall be divided as follows:

Division One:	Circuit Judge
Division Two:	Circuit Judge
Division Three:	Circuit Judge
Division Four:	Circuit Judge
Division Five:	Circuit Judge
Division Six:	Circuit Judge
Division Ten:	Associate Circuit Judge
Division Eleven:	Associate Circuit Judge
Division Twelve:	Associate Circuit Judge
Division Thirteen:	Associate Circuit Judge
Division Fourteen:	Associate Circuit Judge
Division Fifteen:	Associate Circuit Judge

RULE 2      HOURS & TERMS OF COURT

2.1      HOURS OF COURT

All sessions of court shall begin at 9:00 A.M., unless otherwise scheduled. The following hours are established for the Clerk's Office:  
8:00 A.M. to 5:00 P.M.

The court is open five days a week, Monday through Friday, for the purpose of filing papers in the Clerk's Office. All attorneys must file all pleadings and memoranda electronically beginning April 29, 2013.

The court will observe holidays as provided by the Supreme Court and/or Office of State Courts Administrator. Those holidays may include First Day of January (New Year's Day), Third Monday of January (Martin Luther King Day), Twelfth Day of February (Lincoln's Birthday), Third Monday in February (President's Day), Eighth Day of May (Truman's Birthday), Last Monday in May (Memorial Day), Fourth Day of July (Independence Day), First Monday in September (Labor Day), Second Monday in October (Columbus Day), Eleventh Day of November (Veteran's Day), Fourth Thursday in November (Thanksgiving Day), and the Twenty-Fifth Day of December (Christmas Day). When any such

holiday falls on a Saturday, it is celebrated on the preceding Friday; and when on a Sunday, on the following Monday.

## 2.2 TERMS OF COURT

The circuit court shall be in continual session as provided by Sec. 478.205, RSMo. To the extent that a term of circuit court may be required by law or Supreme Court Rule, or by these Rules, the "terms" of court shall be considered as commencing on the second Monday in the months of January, May and September. (In case any of these days fall on a holiday, as specified in Rule 2.1, commencement of the "term" shall be on the day following said holiday.)

The circuit court (or any of its divisions) shall not be required to convene on the first day of any "term" solely because of this rule.

## 2.3 LAW DAYS (or "ADJOURNED DAYS")

The law day of the circuit court divisions will be held on the second Monday of each month, unless otherwise directed by the division Judge. The law day of the associate court divisions will be held periodically on a date designated by the associate court division Judges. Judges may choose whether to hold or handle Law Days as they see fit.

## 2.4 PARTICULAR MATTERS ON PARTICULAR DAYS

Each Judge of each division, or the division clerk thereof, with the consent of the Judge, will set all matters, motions, defaults, pre-trial conferences, and trials at times and dates certain upon request at any law day docket call or as agreed by the court. Dockets will be distributed by the clerk in advance of each docket call, and all trial settings made at each law day docket call will be confirmed by communication to each attorney of record by the division clerk. Nothing in this rule shall be deemed to prohibit any judge of any division from "pre-setting" any case, or class of cases, so long as said pre-set dates are communicated to all necessary parties and attorneys of record.

RULE 3 PLEADINGS

3.1 CAPTION

The following caption is required:

In the Circuit Court of the 23rd Judicial Circuit  
of Missouri at Hillsboro, Jefferson County, Missouri

<u>Name</u> _____	)		
	)		
<u>Address</u> _____	)		
	)		
<u>City</u> _____	)	Cause	No. _____
	)		
Plaintiff,	)		
	)		
vs.	)		
	)		
<u>Name</u> * _____	)		
	)		
<u>Address</u> ** _____	)		
	)		
<u>City</u> _____	)		
	)		
Defendant.	)		

PETITION FOR \_\_\_\_\_ \*\*\*

(Body in numbered Counts, if more than one; each count in numbered paragraphs.) Petition to be signed by the attorney of record or the party, in the following fashion:

\_\_\_\_\_ (Signature)

\_\_\_\_\_  
Typed Name of Attorney or Party

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Email Address

\* If a corporation is defendant, also list officer or registered agent in charge with address and telephone number on the petition. If it is a foreign corporation, also give address of local office and name of officer in charge on the petition.

\*\* If defendant has a P.O. Box, or rural route address, also give directions to location for benefit of process server.

\*\*\* State succinctly what the cause of action is for (eg. "Dissolution", "Damages", "Breach of Contract", etc.

### 3.2 STYLE

All pleadings and motions filed by attorneys shall be electronically filed in PDF format whereby they shall permit printing or viewing on paper 8 1/2 inches by 11 inches, shall be signed by the party or his attorney offering the same for filing together with address, telephone number, email address, and bar identification number of the attorney of record in the case; shall be captioned with the style and cause number of the case, the character of the pleading or 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 or her own signature on said paper. Unless so noted otherwise, the attorney signing the petition will be considered the attorney of record. Where service of summons or other pleading is requested, a copy of the pleadings for each party to be served shall be filed electronically in PDF format, together with the appropriate deposit of costs for service fees for each party to be served.

### 3.3 PARTY'S SOCIAL SECURITY NUMBER

On each filing of an original petition in a civil case, the last four digits of each Petitioner or Plaintiff's Social Security Number shall be included as part of the caption in such manner as to identify to which person it applies. Whenever known, the original Petition shall also include the last four digits of each Respondent's or Defendant's Social Security Number as part of the caption in such manner as to identify to which person it applies. On all original filings in any criminal case, the entity filing said original charge shall include the Social Security Number of the Defendant to be charged.

At the time of filing any entry of appearance, or other original responsive pleading in any civil case, the person so filing shall, in the caption thereof, provide the last four digits of the Social Security Number of each Respondent or Defendant on whose behalf the filing is made.

## RULE 4 FILING OF CASES, MEMORANDA, MOTIONS, ETC.

### 4.0 ELECTRONIC FILING IN PDF FORMAT REQUIRED

In all cases attorneys are required to electronically file all written documents in PDF format. Unrepresented parties or litigants may be permitted to file hard copies of any documents which shall then be scanned by the Circuit Clerk.

Attorneys must name each electronic PDF file, after having received the cause number from the Circuit Clerk, in some identifying manner so the name of the file includes the CAUSE NUMBER and perhaps an abbreviated acronym, such as: AMDPET; ANSW; DISC; MOT; SJM; REPLY, etc.

(e.g. 13JE-CC00247-MOTLIM or SJM OR 13JE-CR02238REQDISC)

Attorneys and parties are advised to retain original hard copies of all documents, particularly in cases such as WILL CONTESTS or other such matters where original documents or exhibits may be required by law.

In the event the electronic network provided by the Office of State Courts Administrator fails for whatever period of time, which is the network the courts operate under, all parties are advised to have a backup copy of all documents, exhibits, and evidence available for the courts and parties to try to use when such network might be inoperable. The circuit will in addition develop its own alternative plans to address this situation.

### 4.1 CRIMINAL CASES

(1) All complaints, informations, or indictments shall be filed electronically in PDF format in the Office of the Circuit Clerk. The Prosecuting Attorney shall provide the appropriate Missouri Charge Code Number (as defined in RSMo §43.500 (6) which includes the required NCIC modifier) for each count or alternate count alleged in the pleading.

#### (2) Offense Cycle Number (OCN)

a. If the defendant is in custody or has been arrested on the alleged offense, the Prosecuting Attorney shall provide the OCN from the state criminal fingerprint card, as defined in RSMo §43.500 (7) on the complaint, information or indictment.

b. If the defendant has not been arrested or is not in custody at the time the pleading is filed, the law enforcement agency rendering the arrest shall indicate the OCN on the return of the warrant.

#### 4.2 TRAFFIC CASES

The Prosecuting Attorney shall provide the appropriate Missouri Charge Code Number (as defined in RSMo §43.500 (6) which includes the required NCIC modifier) for all cases filed by a Uniform Citation. Traffic cases need not be filed electronically in PDF format and may instead be submitted in hard copy for scanning into PDF format, at the discretion of the Circuit Clerk and Courts.

#### 4.3 CIVIL CASES

(1) Civil cases filed by attorneys shall be filed electronically in PDF format in the Office of the Circuit Clerk.

(2) For each civil case, including domestic relations, the filing party shall provide a Filing Information Sheet as required in Missouri Supreme Court Operation Rule 4.07, and it shall accompany the initial filing, pleading or motion. The Filing Information Sheet, as found on the web site: [www.courts.mo.gov](http://www.courts.mo.gov) under Court Forms shall reflect the appropriate case type and contain the following information for each party occupying the position of or on the same side as the plaintiff or defendant in the case:

1. Party type;
2. Party name;
3. Date of Birth, if the party is a person; and
4. Social Security Number if the party is a person.

(3) The Filing Information Sheets are confidential records. The clerk shall file the form in case number sequence and store it separately from the case file or shall destroy the form upon entry of the information.

#### 4.4 PROBATE CASES

(1) Probate cases filed by attorneys shall be filed electronically in PDF format in the Office of the Circuit Clerk.

(2) For Probate cases, the filing party shall provide a Filing Information Sheet as required in Missouri Supreme Court Operating Rule 4.07 and it shall accompany the initial filing, pleading or motion. The Filing Information Sheet, as found on the web site: [www.courts.mo.gov](http://www.courts.mo.gov) under Court Forms shall reflect the appropriate case type and contain the following information for each party occupying the position of or on the same side at the plaintiff or defendant; each decedent; or each ward/protectee in the case:

1. Party type;
2. Party name;
3. Date of Birth, if the party is a person; and
4. Social Security Number if the party is a person.

For probate applications, the Filing Information Sheet shall also list all available information on the heirs and their attorneys, if any.

(3) The Filing Information Sheets are confidential records. The clerk shall file the form in case number sequence and store it separately from the case file or shall destroy the form upon entry of the information.

#### 4.5 SMALL CLAIMS CASES

(1) Small Claims cases shall be filed in the Office of the Circuit Clerk, and shall then be scanned and converted into electronically filed PDF format by the Circuit Clerk.

(2) For each Small Claims case, the filing party shall provide a Filing Information Sheet as required in Missouri Supreme Court Operation Rule 4.07, and it shall accompany the initial filing, pleading or motion. The Filing Information Sheet, as found on the web site: [www.courts.mo.gov](http://www.courts.mo.gov) under Court Forms shall reflect the appropriate case type and contain the following information for each party occupying the position of or on the same side as the plaintiff or defendant in the case:

1. Party type;
2. Party name;
3. Date of Birth, if the party is a person; and
4. Social Security Number if the party is a person.

(3) The Filing Information Sheets are confidential records. The clerk shall file the form in case number sequence and store it separately from the case file or shall destroy the form upon entry of the information.

#### 4.6 MUNICIPAL CASES

Municipal cases shall be filed in the Office of the Circuit Clerk and may be electronically filed in scanned PDF format or shall be filed and then be scanned by the Circuit Clerk and converted into electronically filed PDF format. The city attorney shall provide appropriate Missouri Charge Code Number (as defined in RSMo §43.500 (6) which includes the required NCIC modifier) for all cases filed by a Uniform Citation.

#### 4.7 ASSIGNMENT OF CASES TO DIVISIONS

In regard to all cases required to be filed with the Circuit Clerk, they shall be assigned to the various circuit and associate circuit divisions as the Presiding Judge may from time to time direct. In cases of disqualification of a Judge, the Presiding Judge may provide for the automatic re-assignment to another division, circuit or associate circuit; provided, however, that such scheme of automatic re-assignment may be overridden by the Presiding Judge at any time, on a particular case or class of cases, as the circumstances require, or as required for the effective disposition of all the business of the 23rd Circuit.

#### 4.8 FILING OF CASES AND PLEADINGS WITHOUT COUNSEL

Cases or pleading or memoranda filed by parties without counsel shall be in the format required by these rules and shall then be scanned and converted into electronically filed PDF format by the Circuit Clerk.

### RULE 5 FEES AND COSTS

#### 5.1 FILING FEES AND COST DEPOSIT

In all cases filed by attorneys in the 23rd Circuit, the filing attorney(s) shall have a previously approved electronic payment account established wherefrom the filing and other fees associated therewith shall before filing be electronically deposited with the Circuit Clerk's Office, and for which an electronic receipt shall be given, such sums in the various classes or categories as may from time to time be required by law or by order of the 23rd Circuit Court En Banc. A current schedule of such fees shall be displayed online on the internet and in a prominent place within the Circuit Clerk's Office and copies of such current schedule shall be available in the Circuit Clerk's Office to anyone upon request, without charge.

#### 5.2 COSTS

In all cases filed, heard or disposed of in this circuit, the Circuit Clerk shall charge and collect for all court costs, fees, sheriff's charges, etc. as may be authorized and required by law. The Circuit Clerk shall, at least monthly, account for all such costs and fees charged and collected, to the officials and entities required by law, and shall remit said monies so collected to the persons or entities by law entitled thereto.

#### 5.3 ADDITIONAL ASSESSMENT FOR JUDGMENTS PAID ON TIME-PAYMENT BASIS.

1. In addition to any other assessment or cost authorized by law, there shall be assessed a fee of twenty-five dollars on each person who pays a court-ordered judgment, penalty, fine, sanction, or court costs on a time-payment

basis, including restitution and juvenile monetary assessments. A time-payment basis shall be any judgment, penalty, fine, sanction, or court cost not paid, in full, within thirty days of the date the court imposed the judgment, penalty, fine, sanction, or court cost. Imposition of the time-payment fee shall be in addition to any other enforcement provisions authorized by law.

2. Ten dollars of the time-payment fee collected pursuant to this Rule shall be payable to such person as is designated from time to time by order of the court en banc as treasurer of said fund, and said fund shall be applied and expended under the direction and order of the court en banc to improve, maintain, and enhance the ability to collect and manage moneys assessed or received by the courts, to improve case processing, enhance court security, preserve the record, or to improve the administration of justice. Eight dollars of the time-payment fee shall be deposited in the statewide automation fund pursuant to section 476.055, RSMo. Seven dollars of the time-payment fee shall be paid to the director of revenue, to be deposited to the general revenue fund. (Effective August 1, 2008)

#### 5.4 WAIVER OF FEES

(No local Court Rule.)

#### 5.5 MOTION FOR SECURITY

(No local Court Rule.)

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

#### 6.1 ASSIGNMENT TO ASSOCIATE CIRCUIT JUDGES

##### 1. BY LOCAL COURT RULES OR ORDER

(A) The following cases will be, upon filing, be assigned to and heard by an Associate Circuit Judge (either or the record or not as current statutes require), under the procedure applicable under Chapter 517, R.S.MO.:

(1) Civil actions where the sum demanded, exclusive of interest and costs, does not exceed Twenty-Five Thousand dollars (\$25,000.00);

(2) Actions against any railroad company to recover damages for killing or injuring animals;

(3) Replevin, attachment and mechanic's lien cases where the recovery sought is less than Twenty-Five Thousand dollars (\$25,000.00);

(4) Actions for unlawful detainer authorized under Chapter 534, R.S.MO.;

(5) Actions for rent and possession authorized under Chapter 535, R.S.MO.;

(6) Any other case that does not require that an Associate Circuit Judge be assigned as an acting Circuit Judge, under any rule or statute, as may be currently in effect.

(B) In addition to the above-enumerated cases, an Associate Circuit Judge shall hear and determine the following cases:

(1) Cases of misdemeanor or infraction, except as otherwise provided by law;

(2) Felony cases prior to the filing of an information;

(3) Municipal ordinance violation cases (where the municipality has not provided for a municipal division, as assigned by the Presiding Judge;

(4) "Small Claims" cases as provided in Chapter 482, R.S.MO.

(C) The Associate Circuit Judges of this Circuit shall hear and determine the following cases on the record by electronic recording device, under procedure applicable before Circuit Judges:

(1) Cases arising under the Uniform Reciprocal Enforcement of Support Act, when assigned;

(2) Cases arising under Chapters 207 and 208, R.S.MO.;

(3) Contempt actions for child support enforcement in addition to those arising under preceding paragraphs )1) and (2) above, when assigned;

(4) Cases arising under the Adult Abuse and Child Protection Order Acts of the State of Missouri, when assigned;

(5) Change of name proceedings;

(6) Trial de novo appeals and jury trial requests from the municipal divisions of this circuit;

(7) Uncontested and default dissolution of marriage, legal separation or separate maintenance proceedings and uncontested or default motions to modify the foregoing, if assigned;

(8) Uncontested and default actions involving the title to real estate;

(9) Delinquent Income and/or Sales Tax cases;

(10) Limited Driving Privilege cases;

(11) Review of revocation of Driver's licenses whether arising under Chapters 302, 303, or 577, R.S.MO.;

(12) Any cases assigned pursuant to Rule 6.1 (2), infra;

(13) Jefferson County Solid Waste Chapter 260, when assigned.

(14) Any other cases as may be assigned from time to time by the Presiding Judge.

## 2. SPECIAL ASSIGNMENT

With the consent of either an Associate Circuit Judge or a Circuit Judge and all parties to a case, any Circuit or Associate Circuit Judge, on the day a case is set for trial, may assign such case to another Judge (Circuit or Associate) for trial, that day. The purpose of this rule is to expedite the hearing of cases on the date set when the Judge assigned cannot, for whatever reason, reach the case, and another Judge has time to try the case that day. The consents herein required shall be presumed unless objection thereto is filed, in writing, prior to commencement of the trial before the Judge where the case is transferred.

### 6.2 ASSIGNMENT TO CIRCUIT JUDGES

Cases shall be assigned to the various circuit and associate divisions according to categories, on a blind assignment basis, as may from time to time be directed by the Presiding Judge.

### 6.3 CERTIFICATION TO CIRCUIT DIVISION

(No local Court Rule.)

### 6.4 TRIAL DE NOVO

(No local Court Rule.)

## 6.5 CHANGE OF JUDGE

Except in case of joint application for Change of Judge and Change of Venue where testimony is required, all notices required by Supreme Court Rules 32.06 (b), 32.07 (d), 32.08 (b), 51.04 (c), and 51.05 (c) regarding presentment of such requests for change of Judge shall be served on all parties at least five (5) days prior to the date of presentment. Such matters shall be regarded as informal matters and presentment may be set at 9:00 A.M. on any day when the division is in session where the case is pending. Presentment on the day noticed shall be made in person by the attorney of record for the party seeking the Change of Judge. Failure to appear and present in person the request for Change of Judge on the date noticed may be deemed a withdrawal of the request for Change of Judge. Settings for all motions wherein a request for Change of Venue is joined with a request for Change of Judge shall be obtained from the division clerk of the division where the case is pending and noticed accordingly at least five (5) days in advance thereof. (Nothing herein contained shall be construed to prevent a Judge from granting a requested Change of Judge prior to the presentment date, when the request on its face is regular and proper and the Judge can determine from the file that the request is timely made.)

## 6.6 ABSENCE OF JUDGE

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

## 6.7 ABSENCE OF PRESIDING JUDGE

In the event the Judge who serves as Presiding Judge, pursuant to Rule 100.1.1 *infra*, is from time to time absent from the circuit or is disabled or disqualified from acting in the capacity of Presiding Judge, in any case or matter whatsoever, then, during any such period of absence or disability or as a result of such disqualification, the next Division Number Circuit Judge of the Circuit shall be the Acting Presiding Judge, and shall exercise the responsibilities prescribed by law for the Presiding Judge. In the alternative, the Presiding Judge may designate by administrative rule, the order of Circuit Judges to succeed the Presiding Judge as Acting Presiding Judges, in case of absence, or other unavailability of the Presiding Judge. Where no other Circuit Judge is eligible or available to serve as Presiding Judge, or Acting Presiding Judge, the Chief Justice of the Supreme Court shall appoint a Judge to serve as Acting Presiding Judge.

RULE 7 WITHDRAWAL OF PAPERS FROM CLERK'S OFFICE

7.1 WHEN

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 the employees of the Circuit Clerk or the Court.

7.2 DUPLICATION POLICY

Requests for copies of court records should be directed to the Circuit Clerk. No charge shall be made for copies of documents furnished to any city, county, state agency or state department. Parties shall be charged the rate specified below for all other documents requested:

Photocopies of Microfilmed and Electronically Stored Records

Each page \$2.00

Photocopies

Each page \$1.00

Certified and Authenticated Photocopies

Each page, as above, plus an additional \$.50 for each certification

Disc Copies of Recording of Trial or Hearing Record from Associate Circuit Court Divisions

Per Disc \$30.00

Emailed Electronic Copies of Any of the Above (Except Disc)

Per Document \$1.00

Certified or Authenticated Copies, additional \$.50 for each certification

Electronic Copies of Audio Recordings Shall Not Be Emailed

Above referenced copies of Associate Circuit Court Trials or Hearings shall not be deemed an official transcript. If a party in possession of such recording desires to use same at any subsequent proceeding (for impeachment or for any other lawful purpose), that party shall furnish a copy of the recording, and a copy of any existing transcript of the recording, to the opposing party(s) at least ten (10) days in advance of the scheduled hearing, together with a notice of the intended use. Upon receipt thereof, any opposing party shall have five (5) days to file a Motion In Limine, which shall set forth all objections (as to accuracy or otherwise) to the use of such a recording or its transcript. (An official transcript may be obtained by contracting with any Certified Court Reporter to prepare an official transcript from any Associate Circuit Court recorded record).

Attorneys may request that the cost of routine requests for copies be accumulated and billed and paid once at the end of each month, which accumulated bills shall be promptly paid from an electronic account previously established by the attorney. No copy charges shall be accumulated unless the attorney has an established sufficient electronic account. All applicable copy charges for those who do not have established electronic accounts, shall be paid prior to delivery or receipt of such copies.

## RULE 8 PUBLICATION OF DOCKETS

### 8.1 TRIAL DOCKET

Each division clerk in all divisions calling a Term or Next Adjourned Day docket shall prepare a docket of all cases to be called in each such division, and which may include cases set or to be set for trial or other hearing, and cases set for a dismissal docket or case management control docket. **The docket shall be available online on the internet for all attorneys having a case on said docket no later than five (5) days prior**, if possible, to the date that said docket is to be called.

### 8.2 DISMISSAL DOCKET

Each division docket as set forth in the preceding Rule 8.1 shall identify those inactive cases that the court intends to dismiss on any such Term or Next Adjourned Day docket.

### 8.3 CASE MANAGEMENT CONTROL DOCKET

Each division clerk shall prepare from time to time, as directed by the Judge of the division, shall prepare and disseminate in the same manner as required in Rule 8.1 above ( or as otherwise directed by the Judge of the division), a Case Management Control Docket. These dockets, which are computer-generated, reflect cases which show no action for a specified period according to category. They will be called for "announcement" or to be placed on a subsequent docket for dismissal, in the discretion of the Judge of the division where pending.

## RULE 9 COURTROOMS

### 9.1 ASSIGNMENT OF COURTROOMS

(No local Court Rule.)

### 9.2 PLACE OF HEARING

(No local Court Rule.)

### 9.3 USE OF COUNSEL TABLE

Only counsel of record and parties of record are permitted to sit at counsel table, unless permission of the Judge is obtained in advance.

### 9.4 COURTROOM DECORUM AND DRESS

(No local Court Rule.)

### 9.5 WHO IS PERMITTED WITHIN THE BAR

Only counsel of record, court staff, jurors duly summoned for the case, parties of record and witnesses (as called) are permitted within the bar of the several courtrooms of this circuit, unless permission of the Judge is obtained in advance.

## 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 in the manner as required by the Office of State Courts Administrator or 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 the complete cost of the 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 device shall not begin until the clerk is paid a sufficient sum to cover the estimated cost of this work. If the appellant requests the Circuit 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. No transcript thus prepared will be delivered until payment of the costs of preparation by the Office of State Courts Administrator are tendered.

## RULE 11 RECORDING OF JUDICIAL PROCEEDINGS

### 11.1 IN GENERAL

All persons except those authorized by the Court to preserve the record shall refrain from broadcasting, televising, recording or taking photographs in the courtrooms and in the corridors and stairways adjacent thereto while court is in

session and during recesses. Provided, however, nothing herein shall prevent such if done in accordance with the provisions of Supreme Court Administrative Rule 16 relating to "Cameras in the Courtroom." Even in cases being covered under the provisions of Supreme Court Rule 16, the prohibition remains against recording, televising or photographing in the "hallways immediately adjacent to the entrances to the courtroom." Administrative Rule 16.02 (i). Said area shall be construed to include all of the Basement, Ground, First, and Second floors of said Courthouse and all stairways leading to any of such floors in the Jefferson County Courthouse.

## 11.2 CASES HEARD WITHOUT AN OFFICIAL RECORD

In the discretion of any Judge, and with the Judge's permission obtained in advance, a party may tape record proceedings not otherwise on the record (for example, a Preliminary Hearing). Such recordings shall not be deemed an official record. If a party in possession of such recording desires to use same at any subsequent proceeding (for impeachment or for any other lawful purpose), that party shall furnish a copy of the recording, and a copy of any existing transcript of the recording, to the opposing party(s) at least ten (10) days in advance of the scheduled hearing, together with a notice of the intended use. Upon receipt thereof, any opposing party shall have five (5) days to file a Motion In Limine, which shall set forth all objections (as to accuracy or otherwise) to the use of such a recording or its transcript.

## RULE 12 MONIES PAID INTO COURT

(No local Court Rule.)

## RULE 13 COMMUNICATION WITH COURT

### 13.1 ORAL COMMUNICATION WITH COURT

(No local Court Rule.)

### 13.2 WRITTEN COMMUNICATION WITH COURT

(No local Court Rule.)

## RULE 14 FAMILY COURT

### 14.1 CREATION

There shall hereby be created within and for the 23rd Circuit Court of Jefferson County, a Family Court as provided in RSMo §487.010, et seq.

### 14.2 DESIGNATION OF DIVISIONS

The divisions assigned as Family Court Divisions shall be as designated from time to time by Administrative Order of the Presiding Judge. The Administrative Judge of the Family Court shall be as designated from time to time by the Presiding Judge.

#### 14.3 ASSIGNMENT OF FAMILY CASES

Family Court cases shall be assigned by the Administrative Judge of the Family Court to Family Court Divisions, including any Family Court Commissioner; or by assignment by the Presiding Judge, either by class of case, or on a case-by-case basis.

#### 14.3 CONFIRMATION OF COMMISSIONER

The findings and recommendations of any Family Court Commissioner shall be adopted and confirmed by an order of such Circuit or Associate Circuit Judge as may be designated by the Presiding Judge, or by the Administrative Judge of the Family Court.

#### 14.4 FAMILY SERVICES AND JUSTICE FUND

A fee of \$30.00 per case as provided in RSMo §487.170 shall be collected and deposited in the "Family Services and Justice Fund" to be expended for such purposes and in such amounts as the Presiding Judge or the Family Court Administrative Judge may from time to time authorize, with the concurrence of the Circuit Court En Banc.

### GENERAL RULES

#### RULE 21 ATTORNEYS

##### 21.1 RESOLUTION OF CONFLICTING TRIAL SETTINGS

The acceptance of a trial setting in circuit divisions does not allow for the acceptance of any conflicting trial settings in any other court on any later date.

##### 21.2 ENTRIES OF APPEARANCE

Entries of appearance shall be electronically scanned and filed in PDF format by the attorney prior to appearance in court, and any writing, shall be legible, and contain the full name, address, telephone number, email address, and Missouri Bar number of the lawyer primarily responsible for the case. The entry shall be signed by the lawyer primarily responsible for the case. Entries of appearance in criminal cases shall also include an electronic mail address for the attorney primarily responsible for the case. When practical, any entry of

appearance, as referenced above, shall be electronically filed prior to any related court date, but in the event it is not possible then any hard copy shall then be scanned and converted into electronically filed PDF format by the Circuit Clerk.

### 21.3 CONDUCT OF ATTORNEYS

All attorneys shall conduct themselves in accordance with the Code of Ethics currently in effect under Missouri Supreme Court Rules.

### 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, Rule 1.16. An attorney who desires to withdraw as attorney of record for any party to any action pending in this Circuit shall comply with the following procedures:

The attorney shall electronically file in PDF format 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.

A copy of the motion and the notice shall be served upon all parties, including the client from whose employ the attorney is seeking leave to withdraw, in the manner provided by Supreme Court Rule 43.01. If the case in which the attorney is seeking leave to withdraw is a criminal case, the notice shall instruct the client that the client must appear in person at the hearing. Notice shall also be served upon the local Public Defender. When it appears the Public Defender will be requested to determine the eligibility of the Defendant for Public Defender services, a hearing on the record shall be had prior to the Court allowing private counsel to withdraw and appointing the Public Defender. 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 certificate of service thereon.

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.

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 pleadings deadlines in the case.

### 21.5 FAILURE OF ATTORNEYS TO ANSWER DOCKET CALL

(No local Court Rule.)

## 21.6 APPOINTMENT OF ATTORNEYS

The Circuit Clerk under the direction of the Presiding Judge, shall maintain a list of attorneys who regularly practice in this circuit, who shall be eligible for appointment to serve as Guardian Ad Litem, counsel for indigent parties in Juvenile cases or any other case where provided by law. The list shall be a rotating list, so as to minimize the service of any one individual and to ensure, as far as possible, that all such attorneys serve in such capacities in an equitable fashion.

## 21.7 AGREEMENT OF ATTORNEYS

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

## 21.8 ADVICE TO CLIENT & WITNESSES OF COURTROOM PROCEDURES

Each attorney is to advise their respective clients and witnesses as to the formality of the court, including proper dress, and seek their cooperation therewith, thereby avoiding embarrassment.

Each attorney is to advise their client to avoid discussing any phase of the case with the court.

When the "rule of exclusion" as to witnesses is invoked, each attorney is charged with the duty to 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 the opposing counsel, or unless the court, in the exercise of its discretion under all the circumstances, rules that justice requires such testimony be received.

## RULE 22 APPOINTMENT OF GUARDIAN AD LITEM

### 22.1 WHEN A GUARDIAN MUST BE APPOINTED

The appointment of a Guardian Ad Litem shall be made where child abuse or neglect is alleged. The appointment should be made as soon as the allegation of child abuse or neglect is made, including at the filing of the petition if such allegations are made in the petition. The Court may appoint a Guardian Ad Litem in such cases with or without a hearing. In the Court's discretion, it may delay appointment of a Guardian Ad Litem until a later date in the interests of Justice utilization of resources in Cases for Adult or Child Orders of Protection.

### 22.2 WHEN A GUARDIAN MAY BE APPOINTED

The appointment of a Guardian Ad Litem may be done in the discretion of the Court:

- (A) Upon the request of any party with or without a hearing, or
- (B) In an action for declaration of paternity where the child is named as a defendant, or if the Court determines that the interest of the child and his Next Friend are in conflict, or
- (C) Upon the request of the parties in a Dissolution of Marriage, Modification thereof, or Legal Separation case where child custody, child support or visitation rights are contested issues. (In the context of this Rule 22, "Contested Issue" means the claim for and denial by any adverse party of child support, child custody, or request by any party and denial by any adverse party for more liberal, or more restricted, visitation rights.)

### 22.3 PAYMENT OF GUARDIAN FEES

Full payment of Guardian Ad Litem fees shall be made upon Court order. Payment may be made from funds deposited as security therefor under order of the Court, at the conclusion of the case, or at intervals designated by the Court while the case is pending. When appropriate, additional security therefor may be required by the Court at any time during the pendency of the case without a hearing. Even if no security for such fees is ordered, at the conclusion of the case, the Court may award judgment for such fees in favor of the Guardian Ad Litem against any one or more parties, or from public funds available for such purpose. Any public entity liable for such fees from public funds in their control shall be entitled to notice and a hearing as to the reasonableness of such fees.

### 22.4 STANDARDS FOR GUARDIANS

#### (A) APPOINTMENT

Only a lawyer licensed by the Supreme Court of Missouri (or from another State with approval of the Court) shall be appointed as a Guardian Ad Litem in the 23rd Judicial Circuit. The Guardian Ad Litem in a Juvenile proceeding shall be appointed upon the filing of an Order of Protective Custody or the filing of a Petition, and in a Domestic case as soon as the Court becomes aware of allegations of abuse or neglect as provided by Rule 22.1 supra, or in accordance with Rule 22.2 supra. If there is more than one case involving the same child, the Court should appoint the same Guardian Ad Litem for each case, if possible.

#### (B) INDEPENDENT JUDGMENT OF GUARDIAN AD LITEM

A Guardian Ad Litem shall be guided by the best interests of the child at all times, and shall exercise independent judgment on behalf of the child in all matters. [COMMENT: Although the parties are normally interested in the child's well-being, they are not necessarily focused on the best interests of the child. The Guardian Ad Litem therefore must recommend only what is in the best

interests of the child on each issue, and must maintain an objectivity that preserves a clear focus on the child's best interest. The role of Attorney for a child is different from the role of Guardian Ad Litem. The Guardian Ad Litem must advocate the best interests of the child and not merely represent the child's preferences or positions.]

(C) FAITHFUL PERFORMANCE OF DUTIES

The Court shall insure that the Guardian Ad Litem maintains independent representation of the best interests of the child. The Court shall require that the Guardian Ad Litem perform their duties faithfully and diligently and, upon failure to do so, shall discharge the Guardian Ad Litem and appoint another. [COMMENT: The Guardian Ad Litem should relate to the child according to the child's age, understanding, and stage of development. The Guardian Ad Litem should meet personally with the child as often as necessary to observe the child's physical, mental, social, educational and familial status; and form opinions concerning the underlying cause of any problems the child may exhibit. The Guardian Ad Litem should not diagnose or work therapeutically with the child, but should, through regular visits with the child, be able to insure forming informed opinions when conferring with diagnostic or therapeutic specialists.]

(D) GUARDIAN ACCESS TO CHILD

The Guardian Ad Litem shall not be denied reasonable access to the child by any agency or person, including at the child's current residence or placement, so as to perform the Guardian's duties as set forth in Rule 22.2 (B) & (C) supra.

(E) GUARDIAN ACCESS TO REPORTS AND RECORDS

Unless otherwise provided by law, the Guardian Ad Litem shall be provided, upon request, with all reports relevant to the case made to, or by, any agency or any person; and shall have access to all relevant records of such agencies or persons related to the child or the child's family members, or placements of the child.

(F) CONFIDENTIALITY

A Guardian Ad Litem shall observe all statutes, rules, and regulations concerning confidentiality. A Guardian Ad Litem shall not disclose information, or participate in the disclosure of information, relating to an appointed case, to any person who is not a party to the case, except as reasonably necessary to perform the duties of the Guardian Ad Litem, or as required by law or Order of the Court.

(G) COURT PROCESS

The Guardian Ad Litem shall review the progress of the child's case through the court process and advocate for timely hearings. To decrease the trauma to the child, the Guardian Ad Litem shall explain to the child the court process, hearings, depositions and other proceedings in which the child is to participate; and explain to the child the role the child is to play and the roles of other participants. The Guardian Ad Litem shall assure the child that the child's feelings and opinions will be made known to the Court, even when they are inconsistent with the recommendations of the Guardian Ad Litem. The Guardian Ad Litem shall participate in any out of court matters affecting the child, including the development and negotiation of any plans, orders, settlements, or staffings that affect the best interests of the child. The Guardian Ad Litem shall monitor implementation of any service plans and Court Orders to insure timely compliance therewith.

(H) COURT APPEARANCE

The Guardian Ad Litem shall appear at all Court proceedings to represent the best interests of the child. As authorized by law, the Guardian Ad Litem may present evidence and, where appropriate, see that witnesses are summoned and presented, including foster parents, teachers, other persons having a significant impact on the child, and professionals such as medical, psychiatric, psychological, or other expert witnesses. The Guardian Ad Litem shall file such pleadings and engage in such discovery as necessary to perform the duties imposed under this Rule 22.

(I) PROTECTING THE CHILD AS A WITNESS

The Guardian Ad Litem shall protect the interests of the child as a witness in any legal proceeding related to the matter for which the Guardian Ad Litem was appointed, including opposing multiple and repetitive depositions or examinations that are not in the child's best interest. All interested parties shall notify the Guardian Ad Litem of any and all contacts with the child related to the case, so the Guardian Ad Litem may appear on behalf of the child. The Guardian Ad Litem shall be present during any conferences between counsel for any party and the child.

(J) CONFLICTS OF INTEREST

The Guardian Ad Litem shall inform the Court of any conflict between the child's opinions or preferences and the recommendations of the Guardian Ad Litem as to the child's best interests.

(K) RECOMMENDATIONS TO THE COURT

The Guardian Ad Litem shall make recommendations to the Court based on the evidence presented and shall provide reasons in support thereof. The Guardian Ad Litem shall insure that all relevant information is available to the Court, and should testify, subject to cross examination, if the Guardian Ad Litem has relevant information from the Guardian's own independent investigation.

The Guardian Ad Litem should request Court Orders that are clear, specific and, where appropriate, include a time line for implementation, assessment, services, placement, treatment and evaluation of the child, and the child's family members, so as to provide stability for the child as soon as possible.

#### (M) TRAINING OF GUARDIANS

Competent performance of the duties of a Guardian Ad Litem requires special education, training and experience, to meet the needs of this unique and complex area of practice. Therefore, no person shall be appointed as Guardian Ad Litem in a Juvenile or Family Court proceeding without first completing twelve hours of specialized training. Thereafter, to continue to be appointed as a Guardian Ad Litem, a person shall complete six hours of specialized training annually. Completion of the training hours shall be evidenced by filing of an affidavit with the Administrative Judge of the Family Court by December 31 of each year. The Court may accept, in lieu of the initial twelve hours of specialized training, an equivalent number of hours of experience as a Guardian Ad Litem prior to the effective date of the adoption of this Rule. The specialized training shall include, but is not limited to, the following topics: 1) Dynamics of child abuse and neglect issues, 2) Factors to consider in determining the best interests of the child, including permanency planning, 3) Inter-relationships between the family, the legal system, and the child welfare system, 4) Mediation and negotiation skills, 5) Federal, state, and local statute and case law affecting children, 6) Cultural and ethnic diversity, and) gender-specific issues, 7) Family and domestic violence issues, 8) Available community resources and services, and 9) Child development issues.

Programs providing Guardian Ad Litem training shall be accredited by the Missouri Bar or the Missouri Supreme Court's Judicial Education Committee.

#### RULE 23 TRANSCRIPTS

(No local Court Rule)

#### RULE 24 EXHIBITS

Each attorney is responsible for all exhibits before, during and after trial; provided however, that the Judge of each division may enforce a different rule, generally or in a specific case or category of cases. Arrangement should be made with the division court reporter, or the clerk responsible for electronic

recording to mark all exhibits prior to the commencement of the trial or during recesses, so as to not delay the actual presentation of evidence. Electronic versions of all Exhibits shall be filed or provided in electronic format to the court for the purpose of maintaining an accurate record, and may be required at the court's discretion in particular hearings, trials, or pre-trial conferences.

## **RULE 25 ELECTRONIC FILING REQUIRED-FACSIMILE FILING PROHIBITED**

### **25.1 PROHIBITED FILING**

The filing of any pleading or memoranda shall not be permitted by facsimile.

### **25.2 PERMITTED FILING**

Each document of whatever description shall be electronically filed in PDF format with Office of the Circuit Clerk . Each such document shall also be electronically transmitted by the filing party to all attorneys of record. Parties that are unrepresented shall be required to diligently review CaseNet for any filings they were unable to receive electronically, and may provide their email address to attorney(s) representing others in the case so they may receive any filings.

### **25.3 TIMELINESS OF FILING**

Electronic filings which substantially comply with the requirements of the preceding Rule 25.2, shall be deemed timely filed on the date and time of the receipt of the filing in the Circuit Clerk's Office, as evidenced by the date and time stamp affixed by the computer software in the Circuit Clerk's Office.

## **RULE 26 SPECIAL PROCESS SERVERS**

### **26.1 AD HOC BY MOTION**

As provided by law, any party may by motion seek an order of court designating any qualified individual be appointed a "Special Process Server" to effect service of process for that specific cause. Any such motion shall be treated as an informal matter and may be submitted to the Judge assigned to the case, or any other available Judge, in the absence of the Judge assigned.

### **26.2 APPROVED LIST OF SPECIAL PROCESS SERVERS**

Any qualified individual, providing a business service as a special process server, may apply to the Presiding Judge to be placed on an "Approved List" of Special Process Servers to be maintained by the Circuit Clerk. Such

individuals shall submit an application to the Presiding Judge on a form to be supplied by the Circuit Clerk, and undergo such investigation and examination as the Presiding Judge shall prescribe. The Presiding Judge may, in his discretion, require the posting of a bond or such other reasonable requirements as he shall deem appropriate, as a pre-condition to being added to the "Approved List".

### 26.3 AUTOMATIC APPROVAL

As to any Special Process Server on then current "Approved List", the Circuit Clerk shall, upon request of any party, issue process to the Special Process Server requested without the necessity of a Motion therefor or an order of a Judge.

### RULE 26.4 DESIGNATED AGENTS OF SHERIFF TO SERVE PROCESS

The Sheriff of Jefferson County in certain cases may utilize a designated agent for the service of process and subpoenas.

(A) The Court may appoint, at the request of the Sheriff, designated agents of the Sheriff, to serve process or subpoenas in cases wherein the Sheriff is directed to make service by statute or Supreme Court Rule. The Sheriff shall designate such agents who may apply to the Presiding Judge to be placed on an "Approved List" that shall be maintained and regulated in the same manner as set out in Rule 26.2, supra.

(B) Such Agents shall not be appointed to serve process or subpoenas in the following types of cases:

- (1) Adult Abuse or Child Protection Cases;
- (2) Criminal Summons;
- (3) Criminal Subpoenas, except for Subpoenas duces tecum for records.

(C) Charges and fees for service by designated agents pursuant to this Rule shall be processed, recorded and taxed as if the Sheriff personally made service.

### PRE-TRIAL MATTERS

### **RULE 32 DISCOVERY**

All discovery and pre-trial pleadings (other than summonses requiring personal service or service of process) and motions and correspondence which are filed with the court shall be electronically filed in PDF format AND may be sent electronically by email in the same format to all attorneys or by email informing attorneys and other parties of its availability on the CASNET website.

### 32.1 USE OF DISCOVERY & CERTIFICATION TO CIRCUIT DIVISION

(No local Court 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.

### 32.3 DEPOSITIONS

(No local Court Rule.)

### 32.4 MOTION FOR SANCTIONS

(No local Court Rule.)

### 32.5 CRIMINAL DISCOVERY

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

### Rule 32.6 – “The Golden Rule”

In any civil action where answers to discovery are more than three days late, the attorney who propounded the discovery shall mail a “golden rule” letter to opposing counsel. The “golden rule” letter shall notify opposing counsel of exactly what discovery has not been answered, the date the discovery was due, and shall provide opposing counsel with a date ten (10) days in the future when the discovery must be received by the propounding attorney.

In the event discovery is not received within the period specified in the “golden rule” letter, then the propounding attorney may file a motion to compel with the court, which will be summarily ruled on by the court without hearing, requiring all discovery to be provided within ten (10) days of the court order.

In the event the motion to compel is not complied with, after a hearing, sanctions may be imposed on the party who has failed to respond when requested by the propounding party.

## RULE 33 PRE-TRIAL MOTIONS

### 33.1 HEARING DATES

Hearing dates for pre-trial motions shall be set by the Judge of each division, and settings thereon shall be obtained by contacting the division clerk of the division where the case is pending. Parties or attorneys filing motions must obtain dates from the clerk and file with the court, as well as serve upon the parties and counsel of record, a Notice of Hearing of the date such motion is to be heard. Otherwise, the motion may not be ruled upon and may merely be filed in the court file.

### 33.2 BRIEFS IN SUPPORT OF MOTIONS, WHEN REQUIRED

All motions and accompanying memoranda shall be electronically filed in PDF format. 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 memorandum or briefs as the court may deem advisable. Time to file written memorandum may be extended by the court for good cause shown.

### 33.3 ORAL ARGUMENT, WHEN DESIRED, HOW REQUESTED

Notwithstanding the preceding Rule, upon filing of a motion, the party filing same may request and obtain a date for oral argument of same from the division clerk of the division where the case is pending.

### 33.4 MOTIONS IN LIMINE

All motions in limine shall be in writing and electronically filed in PDF format and must be accompanied by citations of authority to be considered.

### 33.5 MOTIONS TO COMPEL

33.5.1 All Motions to Compel Answers to Interrogatories, Production of Documents, or other discovery SHALL BE DEEMED GRANTED UPON FILING; and shall be electronically filed in PDF format; of course, Provided the Party to whom directed or the Party's Attorney of Record is simultaneously provided a copy of the Motion to Compel. The Party to whom the Motion to Compel is

directed shall be automatically granted twenty (20) days to comply, or face appropriate sanctions.

33.5.2 The Party against whom a Motion to Compel is filed may automatically stay the application of the preceding Rule 33.5.1 only if that party obtains a Motion Hearing date from the Court and notices the Moving Party for said Motion Hearing date. The Notice of said hearing date shall be electronically filed in PDF format. To validate this automatic stay, the Motion Hearing date shall be applied for and obtained from the Court within five (5) days after filing of the Motion to Compel. The automatic stay shall then be effective until the Motion to Compel is heard.

## RULE 34 CONTINUANCES

### 34.1 CIVIL CASES

An application for continuance shall be made by a written motion electronically filed in PDF format and 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 re-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 electronically filed in PDF format and 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 case to a fixed day, or to a date to be re-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 CONFERENCE

Pre-trial conferences in any case, or category of cases, may be required in the discretion of the Judge of the division in which the case is pending.

## RULE 36 SETTING CASES FOR TRIAL

See Rules 2.3 & 2.4

## RULE 37 DISMISSALS

In addition to cases on a regular Term or Next Adjourned Docket which are designated for "dismissal", the Judge of any division may direct the division clerk to prepare and publish a "Dismissal Docket" for call on a specified date. Cases appearing on such a docket will be dismissed upon call, unless, at the request of a party to said case, the Judge orders some other action thereon. Failure of anyone to "announce" on such a case will result in its dismissal without prejudice for failure to prosecute.

## SETTLEMENT AND DEFAULT

### RULE 41 SETTLEMENT

The division clerk shall be notified promptly if a case is settled after it has been set for trial, so that other matters may be scheduled. As soon as reasonably practicable thereafter, the parties shall file their dismissal memoranda to finally close the case file.

### RULE 42 DEFAULT

(No local Court Rule.)

## TRIALS

### RULE 51 COURT-TRIED CASES

#### 51.1 DEFAULT & UNCONTESTED MATTERS

The petitioner, if unrepresented, shall submit to the court prior to the commencement of any default or uncontested hearing a proposed decree or order. The court may direct that the attorney submit such proposed decree or order after the hearing within a period not to exceed thirty (30) days. The court may allow an extension upon good cause shown.

In any uncontested or default hearing for dissolution of marriage or modification of a dissolution decree, the moving party shall submit a completed "Judge's Worksheet", on a form to be provided by the Circuit Clerk, prior to the commencement of the uncontested or default hearing.

#### 51.2 CONTESTED MATTERS

In the discretion of the Judge trying the case, one party may be directed to prepare and submit a proposed order or decree containing such provisions as the Judge shall direct.

### 51.3 FINDINGS OF FACT AND CONCLUSIONS OF LAW

Unless findings are required as a matter of law, requests for findings of fact, when desired, must be made prior to the commencement of taking of evidence. When findings are not required by law, no request therefor will be deemed valid unless made prior to the commencement of the trial and the taking of evidence. The trial Judge may request and order, at the conclusion of the evidence, that all parties submit suggested findings of fact and conclusions of law for the court's consideration, within such reasonable time as the court shall direct. In the event such suggested findings and conclusions are not filed within the time specified, the court may nevertheless enter its judgment notwithstanding such failure.

### RULE 52 SELECTION OF JURIES-QUESTIONNAIRES

For each call of prospective jurors, a jury questionnaire shall be mailed to and completed by all prospective jurors under oath and filed with the Circuit Clerk. The jury questionnaires shall be available for inspection by attorneys no later than 48 hours in advance of the scheduled commencement of the trial, unless the Trial Judge, by written memorandum, specifies an earlier date and time. At the completion of the voir dire examination, it is the trial attorney's responsibility to return the copy of the jury questionnaires provided to the division clerk. No notes, comments or writing of any kind should be made by attorneys on the jury questionnaires. The copies will be used again for the entire term of each juror's service. Unless granted specific authorization in advance by the Trial Judge, attorneys may investigate the prospective jurors only from information available in the public domain. Interviewing of friends, neighbors, family members, co-workers, or the like is specifically forbidden without prior approval of the Trial Judge, upon a showing of substantial need and good cause. The State of Missouri shall, if they obtain a criminal record check of any prospective jurors, provide a copy of the results thereof to the Court and to Defense Counsel as soon as practicable, and no later than the date and time when the trial is scheduled to commence.

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 (except to clarify any answer therein) without the permission of the court obtained in advance of the commencement of the voir dire examination.

## RULE 53 JURY TRIALS

### 53.1 INSTRUCTIONS

In all jury trials, attorneys are required to have prepared and typed in proper form ALL approved instructions necessary for the submission of their case or defense, and all such instructions must be submitted electronically in PDF format to the Judge prior to the commencement of the trial.

### 53.2 CLOSING ARGUMENTS

An attorney will be given a reasonable time for argument, as directed by the Judge. Plaintiff may divide his time between opening and closing, but not more than one-half thereof may be spent in the final closing. Time may be extended in the discretion of the Judge.

The court may, in its discretion, change the order of the arguments. Arguments by multiple parties are made in the order named in the pleadings unless otherwise agreed to by the parties or directed by the court.

Plaintiff may decline to make an opening argument, but by doing so waives the final closing argument. Defendant may nevertheless make an argument. Any attorney intending to waive argument shall inform the court and all other attorneys on the record at the final instruction conference.

### 53.3 LIMITATIONS ON POST TRIAL JURY CONTACT

53.3.1 During a juror's term of service, counsel and parties shall not question a juror regarding a particular case without first obtaining leave of Court upon good cause shown.

a) Questionnaires designed to elicit information from jurors for the purpose of gaining insight into the jury process and for education purposes may be approved by the Court En Banc.

b) While a juror may be questioned about relevant matters of fact, under appropriate circumstances, one may not probe into or compromise the mental processes employed in formulating the verdict in question. To do otherwise would be to open the deliberation process to frivolous attacks upon its dignity and integrity and interrupt its ordinary and proper functioning.

53.3.2 General questions of an abstract nature unrelated in context to a particular case may be addressed to a juror after his or her service, i.e. at the end of the term in which said juror served. Such post service interview need not have leave of Court but shall not include matters proscribed by subparagraph 53.3.1 b) above.

## RULE 54 JUDGMENT ENTRY

### 54.1 CONTESTED CASES

Unless otherwise ordered, the attorney for the prevailing party shall prepare and submit the form of judgment entry to the court for its approval.

### 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 the commencement of any hearing thereon.

## RULES RELATING TO PARTICULAR ACTIONS

## RULE 61 ADOPTION

### 61.1 FILING REQUIREMENTS

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

### 61.2 HOME STUDY

Petitioners shall arrange for an investigation to be made pursuant to Section 453.070 RSMO, unless waived pursuant to that Section. Upon filing the Petition, the Petitioners shall designate a proposed person or entity to complete the investigation or shall request the investigation requirement be waived pursuant to Section 453.070.5. The investigation shall be conducted by Children's Division (referenced in the statute as The Division of Family Services), a juvenile court officer, a licensed child placement agency, a social worker licensed pursuant to Chapter 337 RSMO, or other suitable person appointed by the Court. The investigation shall be completed with ninety (90) days of the filing of the Petition and shall comply with all of the requirements set forth in Section 453.070 RSMO.

### 61.3 ADOPTION POLICIES AND PROCEDURES

The Chief Administrative Judge of the Family Court, with approval of the Court En Banc, may promulgate from time to time such adoption policies and procedures as may be prudent and necessary to assure the orderly flow of documentation, timely disposal of cases and proper access to information in adoption matters. All such policies and procedures shall be in accordance with the Revised Statutes of the State of Missouri, and Missouri Supreme Court Rules.

#### RULE 62 DRIVER'S CASES

(No local Court Rule.)

#### RULE 63 ASSOCIATE DIVISION CASES

(No local Court Rule.)

#### RULE 64 CASE ARISING UNDER CHAPTERS 207 & 208, R.S.MO. TITLE IV-D ACTIONS

(No local Court Rule.)

#### RULE 65 CIVIL COMMITMENT

(No local Court Rule.)

#### RULE 66 CONDEMNATION

(No local Court Rule.)

#### RULE 67 CRIMINAL CASES

##### 67.1 PRE-TRIAL RELEASE

##### 67.1.1 MOTIONS TO SET OR REDUCE BOND

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

##### 67.1.2 DEPOSIT OF DRIVER'S LICENSE

(No local Court Rule.)

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

Each circuit division with a felony trial docket shall provide a schedule of arraignment dates for cases assigned to their caseload. Upon waiver of preliminary hearing or upon bind over, the associate circuit court shall direct the defendant to appear for arraignment in the assigned circuit division on the next scheduled arraignment date according the aforementioned schedule so provided. Bond, if any, shall continue to said arraignment date, unless otherwise ordered. All defendants shall be required to appear at the arraignment on their bond unless a memorandum waiving arraignment is filed, signed by both the defendant and his attorney, on or before the date and time set for arraignment. Signing of a waiver of arraignment by an attorney shall be deemed an entry of appearance, for all purposes, by such attorney. Such cases will be set for trial on the arraignment date. Therefore, it will be necessary for counsel to appear at court whether defendant has waived arraignment or not. Shall counsel fail to appear, the matter will be set for trial or disposition by the court. Nothing herein shall prohibit the parties from obtaining a trial or disposition date by consent, in advance of the day of arraignment. Unless otherwise directed by that division, arraignment shall be called at 8:30 A.M. of that division's arraignment date.

67.6 DISCOVERY

(No local Court Rule.)

67.7 MOTIONS

67.7.1 HEARSAY MOTIONS

Unless for good cause shown (e.g. newly discovered evidence), all motions for hearsay hearings pursuant to Section 491.075 (2) R.S.MO., shall be filed electronically in PDF format within thirty (30) days of arraignment and called

for hearing within thirty (30) days of filing or as soon thereafter as the division where pending can accommodate same.

All such motions shall contain the proffered hearsay in the same words spoken (in hoc verba).

The Court may continue the hearing from time to time to accommodate its docket.

Failure of the movant to comply shall result in the exclusion of the proffered testimony at trial.

Any newly discovered evidence of hearsay statements shall be disclosed to the opposing party immediately.

## 67.8 PLEA BARGAINING

All plea bargains in felony criminal proceedings shall be in writing and filed electronically in PDF format with the division where the case is pending prior to the commencement of the plea proceeding.

Said copy of the plea bargain agreement shall be signed by the Prosecuting Attorney or an Assistant Prosecuting Attorney, and by the Defendant and his attorney of record.

Disposition of misdemeanors that are part of the felony plea bargain shall be included in the written agreement.

Plea bargains of misdemeanors not a part of a felony disposition shall be in writing only if the division where the misdemeanor is pending so requires.

## 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 assigned for trial, unless said Judge and the Judge where the plea is to occur both consent. However, the initial filing of a felony case in the associate circuit division does not allow the defendant to plead guilty in that division.

### 67.9.2 PETITION TO ENTER GUILTY PLEA

(No local Court Rule.)

## 67.10 CRIMINAL CALENDAR

(No local Court Rule.)

## 67.11 PROBATION & PAROLE

(No local Court Rule.)

67.12 SUBPOENAS UNDER R.S.Mo., §56.085  
(Added February 14, 1995)

In applying for an investigative subpoena under R.S.Mo., §56.085, the Prosecuting Attorney shall comply with the following procedure:

1. All requests for a subpoena under §56.085 shall be in writing and over the signature of the Prosecuting Attorney, or in his/her absence, either of two Assistant Prosecuting Attorneys who may be designated from time to time. Said Assistants shall be designated in a writing filed with the Presiding Judge.

2. The written request shall contain a concise statement as to the nature and character of the criminal investigation and the nature and character of the information sought and its relevance to the investigation.

3. The written request shall be confidential and under seal of the Court, unless otherwise ordered by the Court.

4. The Circuit Clerk shall keep a register of all such requests and shall maintain a file on each such request and the action of the Court taken thereon.

5. If a subpoena issues, the witness may contest said subpoena by filing a motion to quash with the issuing Court with notice to the Prosecuting Attorney as to the date and time at which a hearing will be held thereon. The Court may quash or modify the subpoena if it is unreasonable or oppressive. See Supreme Court Rule 26.02 (c), Rules of Criminal Procedure.

6. All subpoenas shall be issued in the name of the State of Missouri, and returnable only between the hours of 8:30 A.M. and 4:30 P.M., unless otherwise authorized by the Court for good cause shown.

7. No signed blank subpoenas shall be available to the Office of Prosecuting Attorney in §56.085 matters.

8. A copy of the proposed subpoena shall be attached to any written request, in full compliance with this Rule, and shall issue only over the signature of a Circuit Judge.

9. All requests for a subpoena under §56.085 and this Rule shall be made to the Presiding Judge and in his absence to the Acting Presiding Judge, as set forth in Local Rule 6.7, supra.

10. In responding to a subpoena under R.S.Mo., §56.085 and this Rule, the witness shall have the right to appear with and be advised by an attorney. All oral examinations pursuant to such a subpoena shall be recorded stenographically (unless the issuing Circuit Judge approves, in advance, recording by electronic recording, or by videotaping). If ordered by the Court, a transcription of the examination shall be furnished by the Prosecuting Attorney and filed with the Circuit Clerk and placed in the file with the original subpoena request. Prior to the commencement of any examination under R.S.Mo., §56.085 and this Rule, and on the record thereof, the witness shall be advised of the witness's rights as set forth in Miranda v. Arizona, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed. 694.

### 67.13 Emergency Rule: Public Defender Applications and Appointment of Private Counsel

Effective December 10, 2012 this Order, Temporary Local Rule 67.13 shall apply in the Courts of the Twenty-third Judicial Circuit. The purpose of this Order and Rule is a temporary measure to address the need for counsel for indigent accused and is not an institutional change. This order and rule is temporary in nature and shall expire on December 31, 2013, absent further order of the Court en banc.

The Court hereby relies upon its inherent powers to appoint private counsel for representation of criminal defendants. This Order/Rule set forth below was created through the cooperation of members of the private bar, Public Defender Office, Prosecuting Attorney, and the Court.

Until further Order of the Presiding Judge, Applications for Public Defender services wherein the accused has been determined indigent and is facing only misdemeanor charges shall be reviewed for approval by the Presiding Judge or designee(s) for representation by private counsel as set forth below. The Public Defender Office shall not enter their appearance nor open files on any indigent defendants in misdemeanor cases, nor be appointed to represent any indigent defendants, on any misdemeanor cases, except the Public Defender office shall be permitted to approve applications and enter their appearance on sex offenses pursuant to Chapter 566 RSMo, or offenses which could result in registration pursuant to 589.400 RSMo, nor shall the Public Defender enter their appearance on any application of indigent defendants in felony probation revocation cases, without approval of the Presiding Judge or designee(s). Applications in misdemeanor cases which the Public Defender determines are indigent but in which the Public Defender shall not enter their appearance per this rule may receive appointment of private counsel as set forth below.

Private counsel may be appointed for defendants who have: 1) applied for a Public Defender on misdemeanor cases; and 2) been determined indigent by the Public Defender Application process; and 3) appeared on one or more

"Unrepresented Appearance Dockets" as referenced below.

Private counsel may be appointed only in misdemeanor cases, from a list of attorneys engaged in the private practice of law, with such list maintained by the Circuit Clerk's Office and Presiding Judge. This list will include all attorneys who reside in Jefferson County and/or are engaged in private practice in which an attorney from their law firm has entered appearances in 2 or more cases (civil, criminal, traffic, etc.) within the previous and current calendar years. During this time period, attorneys in the private practice of law who accept a case from Legal Services of Eastern Missouri or from the Public Defender's Office to provide pro bono representation in Jefferson County, as confirmed by each agency, shall not be appointed pursuant to this rule. Appointments from this list shall be made in alphabetical order. If for any reason a conflict or other issue preventing representation by counsel is determined in any such appointed cases, the next attorney on the alphabetical list shall be appointed and the attorney conflicted or allowed to withdraw shall be next appointed in such other cases. Nothing shall prevent private counsel appointed under these procedures, at their own cost, from retaining local counsel to handle their appointment(s) to represent such indigent defendants. The Presiding Judge or designee(s) may also approve collection of attorney's fees from indigent defendants in such appointed private counsel cases through procedures that may be developed.

The Court may consider multiple factors when determining eligibility of defendants for appointment of private counsel. These factors may include but are not limited to the Application filed with the Public Defender Office, as well as the current bond conditions that defendant may have posted or financial obligations of supervision that may be required thereunder with private probation companies, such as SCRAM, ETG or other testing, GPS, REJIS, and other forms of monitoring or supervision. Private counsel appointed pursuant to this rule shall be allowed to withdraw upon a showing that payment of supervision services or the posting of bond disproves indigency.

An "Unrepresented Appearance Docket" or procedure whereby private counsel may be appointed shall be maintained and supervised by the Presiding Judge or designee(s).

Defendants who do not qualify for Public Defender representation because they have not been determined "indigent" under the Public Defender Application process, and who therefore do not qualify for appointment of private counsel under the procedures hereby set forth, may also be ordered by the Judge before whom their case is pending to appear on an "Unrepresented Docket".

The Presiding Judge may issue Orders which provide exceptions to the above emergency procedures, on a case by case basis or in particular cases or under special circumstances. Motions Objecting to Appointment by private

counsel shall be filed within 14 days of appointment.

This Order and Rule shall automatically terminate on December 31, 2013.

## RULE 68 DISSOLUTION OF MARRIAGE

### 68.1 FILING REQUIREMENTS

At the time of filing the petition which shall be electronically filed in PDF format, the attorney for the petitioner shall file a Certificate of Dissolution of Marriage (Vital Statistics Report) on a form to be provided by the Circuit Clerk, as required by Section 193.360, R.S.MO.

### 68.2 DEFAULT & NON-CONTESTED HEARINGS

In all cases where a written separation agreement is made under the provisions of Section 452.325, R.S.MO, a copy thereof shall be furnished to the Judge prior to the commencement of a default or non-contested hearing. In all cases involving minor children, the Income Withholding for Support Form (available at [www.courts.mo.gov/court/forms](http://www.courts.mo.gov/court/forms)) shall be furnished to the Judge prior to the commencement of a default or non-contested hearing, regardless of whether a support order will be requested or entered.

### 68.3 FORMS OF JUDGMENT

A) All judgments shall contain findings of the court, which must include and recite:

1. The full name of the attorney or attorneys and the name of the party represented by each attorney. If either party is not represented by counsel, the judgment shall so state.

2. The last four digits of the social security number of each of the parties and of each of their minor children; the date of birth of each minor child shall be set forth.

3. The addresses of the parties and the employers' names and addresses, if disclosed in the pleadings.

4. The manner of service and when accomplished, or, if an entry of appearance was filed, the date of filing.

5. The date and place of the marriage, the place of registration of such marriage, and the date of separation.

6. Residence in the State of Missouri of not less than ninety days.

7. A statement that at least thirty days have elapsed since the service of the petition upon the non-moving party.

8. A statement regarding any children born of the marriage (if none, so state) setting forth their names, the last four digits of the social security numbers, dates of birth, and in whose custody they are, and a statement reciting whether the wife is pregnant.

9. Whether either petitioner or respondent is a member of the armed forces, and, if so, a statement that the member waives the Servicemember's Civil Relief Act.

10. Whether or not there is marital property or marital debt to be divided or whether there is a written separation agreement entered into by the parties. The separation agreement shall be set forth in full, unless there is provision otherwise in the agreement. Provisions the settlement agreement pertaining to child custody and child support must be included in the judgment, along with a statement that the court has examined the separation agreement and found it to be fair and not unconscionable. If the parties own personal or real property, the judgment MUST provide for the disposition of all property. If there is no real or personal property, the judgment shall so state.

11. A specific written parenting plan, setting forth the arrangements specified in §452.310.7, RSMo. Such parenting plan may be a plan submitted by the parties pursuant to §452.310, RSMo, or, in the absence thereof, a plan determined by the Court.

12. If there is a request that the wife's maiden name or a former name be restored, the findings shall so state and shall set out in full the requested name to be restored.

13. In a proceeding for dissolution of marriage, a statement that the marriage is irretrievably broken and that there remains, therefore, no reasonable likelihood that the marriage can be preserved. In a proceeding for legal separation, a statement that the marriage is not irretrievably broken and that there remains, therefore, a reasonable likelihood that the marriage can be preserved.

B) The decretal portion of the judgment shall contain the following provisions:

1. In a proceeding for dissolution of marriage, that the marriage, between (name of parties) is dissolved; in a proceeding for legal separation, a judgment of legal separation.

2. An award as to custody and support for any minor children, an award as to maintenance, and a statement as to whether payments are payable to the Family Support Payment Center or directly to the receiving party.

3. In every judgment establishing or modifying child custody or visitation, the relocation notice required by §452.377.11, RSMo.

4. That the terms of the parenting plan shall be performed.

5. That the terms of any separation agreement shall be performed.

6. Dividing any marital property and any marital debt, and setting aside any separate property.

7. IF NOT CONTAINED IN ANY SEPARATION AGREEMENT BEING INCORPORATED INTO THE JUDGMENT, THE COMPLETE LEGAL DESCRIPTION OF ANY REAL ESTATE, TITLE TO WHICH MAY BE AFFECTED BY THE JUDGMENT.

8. That the parties' minor children receive counseling as ordered by the Court.

9. That the wife's restored name be set forth in full.

10. That costs be taxed to one or both parties.

C) Counsel may make written request to the Circuit Clerk that any judgment of dissolution of marriage or legal separation affecting title to real estate, upon entry thereof, be filed in the office of the Recorder of Deeds in the county where the real estate is located. Said request shall specify the Office(s) of Recorder where filing is to be made, and, if other than Jefferson County, Missouri, the mailing address. Such expense for recording the judgment shall be taxed as costs in the case. THE COMPLETE LEGAL DESCRIPTION MUST BE INCLUDED IN ANY JUDGMENT TO BE RECORDED.

(Also See Rule 51.1)

#### 68.4 FILING OF FINANCIAL STATEMENTS

On a form obtained from the Circuit Clerk, a statement of marital and non-marital property under oath of the party making the same shall be furnished to the court by filing it electronically in PDF format with the Circuit Clerk within thirty

(30) days of filing by petitioner of a petition for dissolution, legal separation or separate maintenance. Respondent shall likewise file said statement in the same manner on or before the due date of respondent's responsive pleading. Also, at the same times as above, on a form obtained from the Circuit Clerk, each party shall file a statement of income & expenses under oath of the party making the same. Said statement of income & expenses shall also be filed at like times upon a motion to modify of a decree of dissolution, legal separation or separate maintenance. Upon filing, respondent shall supply a copy to the opposing attorney or party. Upon receipt of an entry of appearance or other responsive pleading, the petitioner shall provide a copy of the statements, if previously filed, to the opposing party's attorney. All parties shall have a continuing duty to update the statements required by this rule, so that such statements are current as of the date of any PDL hearing, Pre-Trial Conference, trial date, or continuance thereof. Copies of any updates shall be furnished the opposing party THREE (3) DAYS IN ADVANCE of any of such hearing dates. SANCTIONS for failure to comply with the requirements of this rule MAY AND WILL BE IMPOSED. For the purpose of this rule, an evasive or incomplete answer, including failure to update answers, shall be treated as a failure to answer.

#### 68.5 MODIFICATION OF DECREE

Any modification of a decree involving a transfer of custody of minor children, even though by consent, requires testimony to support same. Testimony by affidavit may be accepted where at least one party is represented by an attorney.

#### 68.6 CUSTODY OF CHILDREN-INFORMATION PROGRAM REQUIRED

A) All litigants in a dissolution of marriage, legal separation, or petition for custody, who are parents of one or more minor children and where the custody is to be determined by the court, shall attend an information program, such as "Supportive Parents" as offered by Comtrea, Inc. of Festus, MO, or a comparable program. The Circuit Clerk shall so advise the attorneys upon the filing of any such case or their attorneys and advise them of the existence of the Comtrea program. Petitioner shall attend within 60 days of the filing of the petition. Respondent shall be required to attend within 60 days of the date of service. The parties shall request the program to file a certificate of completion with the Circuit Clerk. No case shall proceed to commencement of a hearing on the merits of the case until said certificates are filed, or the court, for good cause shown, waives the application of this rule.

Payment of the cost of this informational program shall assessed as Court Costs as provided in H.B. 353, approved on the 23rd day of June, 1993.

B) All adult litigants in a proceeding to determine paternity and custody of a minor child shall attend an approved information program, "Supportive Parents" as offered by Comtrea, Inc. of Festus, MO. The Circuit Clerk shall so advise the attorneys upon the filing of any such case or their attorneys and advise them of the existence of the Comtrea program. Petitioner shall attend within 60 days of the filing of the petition. Respondent shall be required to attend within 60 days of the date of service. The parties shall request the program to file a certificate of completion with the Circuit Clerk. Payment of the cost of the program may be ordered against any party capable of paying same, or paid from grant funds available for the purpose, or may be waived by the Court for good cause shown.

#### 68.7 MANDATORY PRE-TRIAL CONFERENCES

(a) Upon filing of return of service, or upon filing of Respondent's entry of appearance, the Court shall issue a Pre-Trial Order which shall contain the following:

(1) A Contested Trial date (approximately 7-8 months hence, depending upon the Court's docket).

(2) A Mandatory Pre-Trial Conference date (approximately 3-5 weeks in advance of the Contested Trial date, depending upon the Court's docket).

(3) Discovery Cut Off date shall be the Mandatory Pre-Trial Conference date.

(4) Notice of Requirement to complete Supportive Parents Program prior to the Pre-Trial Conference date.

(5) Notice of Requirement to file and exchange Income & Expense and Financial Statements within thirty (30) days of the date of the Pre-Trial Order.

(6) Notice of other filing requirements on or before the date of the Mandatory Pre-Trial Conference.

(7) A Warning that failure to file responsive Pleadings may result in entry of Judgment by Default prior to any of the dates otherwise scheduled by the Pre-Trial Order.

(8) The Clerk shall notify pro se litigants of the provisions of Rule 88.9 Mo S.Ct Rules

(b) Within ten (10) days of receipt of the Pre-Trial Order, any Party or their Counsel may request ex parte that the dates set be extended and re-set for the reason that the case's complexity will not allow completion of discovery and trial preparation within the 7-8 month time frame. Such requests shall briefly describe the matters requiring additional time, and an estimate of the additional time that will be required. Any such request must be signed by the attorney of record and he/she shall certify a copy thereof was mailed to his/her own client. All other requests for continuance after said ten (10) day period shall be made in accordance with Supreme Court Rule 65.

(c) It is the Court's policy to encourage informal discovery wherever practicable and to avoid the Court's involvement in the discovery process. Accordingly, both parties shall exchange the two (2) most recent year's income tax returns with supporting schedules, and any employment benefit information at least three (3) days prior to the scheduled Pre-Trial Conference date.

(d) The Court may in its discretion exempt a case from a mandatory Pre-Trial Conference upon the filing of an application, stating the reasons therefor, within ten (10) days of the filing of the Pre-Trial Order setting the Trial and Pre-Trial dates. Such requests shall be signed by the attorney of record and he/she shall certify a copy thereof was mailed to his/her own client.

(e) Failure of an attorney or party to be prepared for, appear at, or cooperate in the Pre-Trial Conference may subject the attorney or party to sanctions, including an award of attorney's fees and expenses to any attorney or party prejudiced or inconvenienced by such conduct, or the Court may at that time declare a default, conduct an evidentiary hearing, and enter judgment against such party, if appropriate. The attorney who will be trying the case, and not a partner or associate, shall attend the Pre-Trial Conference, with his/her client both in person. Clients, if available by phone, need not appear in person, if prior written approval is granted by the Court.

#### 68.8 EX PARTE REQUESTS

Upon ex parte request of any party, the Court may at any time enter an order under which, during the pendency of the proceeding, all parties are prohibited from transferring, concealing, encumbering or in any way disposing of any property, marital or separate, except in the usual course of business or for the necessities of life and, if so enjoined, are required to notify all parties of any proposed extraordinary expenditures and account to the Court and the parties for all such expenditures after the date of issuance of the order. Any order entered hereunder shall remain in full force and effect until final judgment without the necessity of further order of the Court. A bond is not required unless ordered by the Court.

#### 68.9 ENTRY OF JUDGMENT UPON AFFIDAVIT - REQUIREMENTS

(a) 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:

(1) a) There are no minor children of the wife and husband and the wife is not pregnant, and one of them files an appropriate affidavit, or

b) The wife is not pregnant, and the parties have entered into a written agreement determining custody and child support and BOTH parties have filed an appropriate affidavit; and

(2) The responding party has been served in a manner provided by the Missouri Rules of Civil Procedure or has formally filed a verified entry of appearance or responsive pleading; and

(3) There is no genuine issue as to any material fact; and

(4) There is no marital property to be divided or the parties have entered into a written agreement for the division of their marital property.

(b) 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 three (3) copies of the proposed Decree or Order (in the form provided in Rule 68.3 hereinabove); three (3) copies of any written agreement proposed for adoption by the Court; a completed Form 14; and any other supporting evidence. (In all cases involving minor children, the Income Withholding for Support Form, available at [www.courts.mo.gov/court/forms](http://www.courts.mo.gov/court/forms), shall be furnished, regardless of whether a support order will be requested or entered.) The filing of an affidavit under this Rule shall not be deemed to shorten any statutory waiting period required for entry of a Decree of Dissolution or Decree of Legal Separation.

(c) Hearing Required - When. The Court shall not be bound to enter a Decree or Order upon the affidavits of either or both parties, but the Court may, upon its own motion, require that a formal hearing be held to determine any or all issues presented by the pleadings.

#### 68.10 INTERROGATORIES IN DOMESTIC CASES

(a) The provisions of Rule 57 shall apply in domestic relations cases, including dissolution of marriage, legal separation, motions to modify and declaration of paternity cases, except as they conflict herein.

(b) Form. Each interrogatory by either the Petitioner or Respondent to the other shall be in the following form: (1) the question shall first be stated, (2) followed by the verified answer to the question by the person asking the question if the same question were asked of them, and (3) a space provided for the verified answer of the person of whom the question is being asked. All questions shall be prepared in such a form as to make them gender neutral and party neutral.

(c) Extension of Time. Requests for extension of time to answer interrogatories shall be first made to the other party or his or her attorney. If there is no objection to the request for additional time, a copy of the extension shall not be filed in the Court file unless an order is requested under Rule 61.01

(b) with respect to any objection to or subsequent failure to answer an interrogatory.

(d) Objections. Subject to local rule, objection to interrogatories shall be filed and noticed for hearing within thirty days of the filing of the interrogatory or certificate of service; otherwise, any objection shall be deemed waived.

#### 68.11 PRODUCTION OF DOCUMENTS IN DOMESTIC CASES

(a) The provisions of Rule 58 shall apply in Domestic Relations cases, including dissolution of marriage, legal separation, motions to modify, and declaration of paternity cases, except as they conflict herewith.

(b) Scope. Any party who shall serve on any other party a request to produce a designated document shall attach to the request for production a copy of any such document that they would be required to produce had the request been made to them. If the proponent does not have such documents they shall attach a verified statement that such documents are not in their possession or control. All requests shall be prepared in such a form as to make them gender neutral and party neutral.

(c) Extension of Time. Requests for extension of time to produce documents shall be first made to the other party or their attorney. If there is no objection to the request for additional time, a copy of the extension shall not be filed in the Court file unless an order is requested under Rule 61.01 (b) with respect to any objection to or subsequent failure to produce the requested documents.

(d) Objections. Subject to local rule, objections to production of documents requests shall be filed and noticed for hearing within thirty days of the filing of the request or certificate of service; otherwise, any objections shall be deemed waived.

#### 68.12 DEPOSITIONS

No depositions shall be scheduled or noticed in any dissolution of marriage case, or modification thereof, later than fourteen (14) days prior to the date scheduled for a Mandatory Pretrial Conference in the case, unless by mutual consent of all attorneys of record in said case.

#### 68.13 RETROACTIVE PAYMENT OF CHILD SUPPORT

(a) In all proceedings to modify any provision for support of a minor child or children in a Decree of Dissolution or Order of Paternity, there shall exist a presumption that any modification (increase or decrease) of the obligation for payment of support for a minor child or children shall be retroactive to the date of

filing of movant's statement of Income & Expenses or the date of service of movant's motion to modify, whichever shall occur later.

(b) Any amounts paid by a party in excess of then existing support obligation under the Decree of Dissolution or Order of Paternity after the date of filing of movant's motion to modify, whichever is later, shall be credited against the amount of any retroactive award. When the Court reduces the child support retroactively, any amount paid by a party in excess of the support obligation as modified shall be credited toward any arrearage and the balance, if any, applies to future support.

#### 68.14 CONFIDENTIAL RECORDS

Any records to be used in evidence in any case, which are filed with the Court pursuant to RSMo §490.692, and which are otherwise confidential in nature, shall be filed in a sealed condition with the affidavit required by the said section attached to the front thereof. The sealed envelope or container shall be marked boldly "CONFIDENTIAL" and shall briefly describe the nature of the records.

If any such record is filed in an unsealed condition, the Circuit Clerk is authorized to seal the record in accordance with the preceding paragraph before they are inserted in the case file.

#### 68.15 MANDATORY MEDIATION RULE

(a) In every case involving contested issues of custody and/or visitation, the parties shall participate in a minimum of two (2) hours of mediation pursuant to Missouri Supreme Court Rule 88.02 through 88.08 and the local rule, unless waived by the court as hereinafter set forth. Any mediation beyond the initial two hours shall proceed by mutual agreement of the parties and the mediator.

(b) Petitioner shall file Circuit Court Form 15 in all domestic relations matters in which there are minor children along with the Petition. Form 15 shall be filed by Respondent along with any entry of appearance or any Motion or Responsive pleading. The Court may dismiss the case if Form 15 is not filed in a timely manner, unless good cause is shown.

(c) If Form 15 is not filed in a timely manner, or the parties have not selected a mutually agreeable mediator from the Court-approved list within sixty (60) days, the Court shall appoint a mediator from the Court-approved list to conduct mediation pursuant to this rule. In all cases where the parties have agreed upon a mediator from the Court-approved list, the Court will appoint said mediator for the purposes of this rule. Fees for mediation may be adjusted by

the Court upon consideration of the Statement of Income and Expenses and if resources are available to the Court.

(d) The mediator shall inform the Court of his/her acceptance of appointment. The mediator shall file with the Court a Notice of Mandatory Mediation Compliance form within 10 days upon completion of the process in every case.

(e) Some cases may be inappropriate for mediation, which may include those with a history of domestic violence. The Court appointed mediator shall complete a thorough screening for domestic violence. If the case is deemed inappropriate for mediation due to domestic violence, or for any other reason determined by the mediator, the mediator shall immediately file the Notice of Mandatory Mediation Compliance Form with the Court.

(f) Upon appointment of a mediator, compliance with S.Ct.Rule 17 time standards and all discovery procedures shall be stayed for a period not to exceed 60 days unless extended by the Court for good cause shown. Any stay pursuant to this rule shall expire when the Notice of Mandatory Mediation Compliance is filed with the Court.

(g) Jefferson County Circuit Clerk shall maintain a list of persons qualified under this Local Rule and the Missouri Supreme Court Rule to act as mediators. This list shall constitute the Court-Approved List of mediators referred to herein and shall be updated as deemed appropriate by the Court En Banc. The Court En Banc shall accept applications for inclusion on the list and make recommendations to the Presiding Judge as to which applicants shall be Court approved. This list shall include the mediator's hourly fee, and may include a summary of the mediator's qualifications and experience. This list shall be made available to all parties.

(h) Any party may petition the Court to disqualify an assigned mediator for good cause. A mediator who has been appointed shall advise the Court of any fact bearing on their qualifications, including any fact which would be reason for their disqualification. If the Court disqualifies a mediator an order shall be entered naming a qualified replacement. Nothing shall limit the mediator's ability to refuse assignment of any mediation under this rule.

(i) No case shall be heard on temporary motions, pretrial conferences or trial until the Notice of Mandatory Mediation Compliance form is filed with the Court, unless waived by the Court upon a showing of good cause.

#### 68.16 SEPARATE PLEADING FOR PATERNITY DECLARATION

Where a) the paternity of a child born during a marriage is at issue, or b) for a child born to the parties prior to the marriage whose paternity has not

already been established, a separate count to determine said child's paternity pursuant to the Uniform Parentage Act (RSMo Sec. 210.817-210.853) shall be pled within the Petition for Dissolution of Marriage.

## RULE 69 MUNICIPAL DIVISIONS

All Municipal Courts shall be under the supervision of the Circuit Court. Each Municipality shall promptly report any change of Judge to the Presiding Judge. Municipal Judges shall be duly licensed attorneys where required by law. All Municipal Judges shall annually complete such Municipal Judge educational programs as are required by the Supreme Court.

Each Municipality electing to operate a Municipal Court shall make provision for the appointment or election of a Provisional Judge, to serve in the place of the Municipal Judge, in instances of disqualification, Recusal, illness or other reason affecting the sitting Municipal Judge's ability to preside over Municipal cases. In the event of the unavailability of both the primary and Provisional Municipal Judges, the Presiding Judge shall appoint a temporary Judge for such Municipality.

### 69.1 JURY TRIALS

(1) Where authorized by law, the defendant may demand trial by jury.

(2) All demands for trial by jury shall be in writing and shall be filed with the municipal division on or before the date of arraignment.

(3) The party demanding jury trial shall, at the time demand is made, deposit with the municipal division for each case in which jury is requested, then current jury cost deposit. The jury cost deposit is a condition precedent to the certification, and no case shall be so certified by the Municipal Judge unless the deposit herein has been made.

(4) The Municipal Judge shall, within ten (10) days after the receipt of the jury cost deposit, cause to be filed with the Circuit Clerk the certification for jury trial, jury cost deposit, all of the original papers filed including any bail bond, appearance bond or any cash or property given as security upon such bonds.

(5) If the jury cost deposit is not filed with the municipal division within ten (10) days of the filing of the demand for jury trial, the demand for jury trial shall be considered withdrawn and the Municipal Judge shall proceed with the case without a jury.

### 69.2 TRIAL DE NOVO

(1) All notices of application for trial de novo shall be filed in writing with the municipal division within ten (10) days after the date of judgment.

(2) The applicant for trial de novo shall, at the time of filing the application for trial de novo, deposit with the municipal division then current trial de novo deposit for costs. The posting of said deposit is a condition precedent to the granting of said application and no cause shall be filed with the Circuit Clerk by the Municipal Judge absent compliance herewith.

(3) Upon application for trial de novo in compliance with this rule, the Municipal Judge shall, within ten (10) days, cause to be filed with the Circuit Clerk a transcript of the record duly certified by the Municipal Judge to be complete and accurate, together with the cost deposit and all original papers filed with the municipal division, including all bonds and any cash or other property given as security thereon.

(4) If no application for trial de novo is filed, or if the cost deposit is not posted with the municipal division within ten (10) days after the date of the judgment, the application for trial de novo shall be deemed withdrawn and the municipal division shall proceed to execute the judgment and sentence entered as in other cases.

### 69.3 INDIGENCY

(1) No Municipal Judge shall waive the cost deposit for jury trial or trial de novo required under this Rule 69.

(2) All applications to waive costs and proceed in forma pauperis shall be filed with the municipal division at the time of filing an application for trial de novo or a request for jury trial.

(3) The Municipal Judge shall accept the application as filed, and shall certify, in the form provided for by these rules, the cause for jury trial or trial de novo to the Circuit Clerk, subject, however, to the review of the application to waive cost deposit by the Presiding Judge.

(4) If the application for waiver of the cost deposit is approved, the cause shall be placed on the regular docket for trial de novo or jury trial, as otherwise prescribed by these rules.

(5) If the application for waiver of the cost deposit is denied, the defendant shall, within ten (10) days of receiving notification thereof, post the required cost deposit with the Circuit Clerk. If the deposit of costs is not made within the required time, in the case of a request for a jury trial, said case shall be

remanded by the Circuit Clerk to the municipal division whence it came for non-jury trial; and in the case of an application for trial de novo, said case shall be remanded by the Circuit Clerk to the municipal division whence it came for execution of judgment and sentence as in other cases.

#### RULE 70 PARTITION

(No local Court Rule.)

#### RULE 71 ADMINISTRATIVE REVIEW

(No local Court Rule.)

#### RULE 72 – PROBATE DIVISION

##### Rule 72.1 – FILINGS REQUIRED

Each case presented for filing shall be accompanied by a fully completed Filing Information Sheet, for the entry of required JIS entries. Incomplete Information Sheets will cause the entire filing to be rejected.

All filings by attorneys shall be electronically filed in PDF format and signed by the attorney or firm. All filings by non-attorneys will bear the filing party's signature. All pleadings, as required by Section 472.080: shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration.

Every decedent's matter filed will be commenced upon the filing of a certified copy of the death certificate. Where the relief sought is based upon survivorship, copies of death certificates for any predeceasing heirs must also be filed.

##### RULE 72.2 –SERVICE

Sufficient copies of filings shall be filed so as to meet all Service requirements. Personal Service as required on incapacitated or disabled individuals shall be accomplished by the Sheriff of Jefferson County or the Sheriff of the County where respondent may be found. Personal Service on a parent in a Minor's Guardianship or Conservatorship may be made by Special Process Servers from the Circuit-approved list. Service of Notice otherwise shall be as provided by Section 472.100.

##### Rule 72.3 – SEPARATE FILINGS

Where more than one Minor is involved in a common proceeding, there shall be a separate filing for each such Minor. The Court will accept multiple filings of a

jointly worded Petition but separate Court files will be made. The Court will generally grant Motions to waive the filing fees for all common cases after the first filing fee is paid.

#### RULE 72.4 – RECORDINGS

All matters of record shall be taken by audio recording. The official recorder shall be the Division 11 Clerk or her substitute. All Exhibits intended for Hearing shall be marked prior to the hearing.

#### RULE 72.5 – HOME STUDIES

The Court requires a Home Study in all Minor Guardianships. For good cause shown, the Court will defer an Order for Home Study until after Hearing or may waive it in its entirety.

#### RULE 72.6 – SETTLEMENTS AND ANNUAL REPORTS

The failure to file Settlements or Annual Reports as required will result in a Show Cause Order. Failures to appear for Show Cause Hearings will result in Body Attachments (warrants for arrest).

#### RULE 72.7 – PRO SE LITIGANTS

No full decedent's Estate will be administered without an attorney of record (precluded by the unauthorized practice of law rules). Any other pro se litigants shall conform to all probate Local and Supreme Court Rules.

#### RULE 72.8 – MOHEALTHNET WAIVERS

No Administration of a decedent's Estate will conclude without the filing of a waiver of MoHealthNet claims by the State. No waivers shall be required on Small Estates, Refusals or Petitions for Determination of Heirship.

#### RULE 72.9 - SECURITY FOR FEES/COSTS

Whenever the Court Orders a deposit of fees or costs, the requesting counsel/party shall have the obligation of monitoring the deposit and shall advise the Court in advance of any Hearings that the required deposit has not been made.

#### RULE 73 SMALL CLAIMS

(No local Court Rule.)

## RULE 74 TRUST ESTATES

### 74.1 INVENTORY

Within thirty (30) days after appointment, every trustee shall file and present to the division of court wherein he was appointed, an inventory in writing of the property and effects comprising the trust estate.

### 74.2 REPORTS

Every trustee shall annually at such time as ordered by the court and at such other times as ordered, file and present a report in writing of the condition of the trust.

### 74.3 RECORD

It shall be the duty of the clerk of the appointing division to maintain a record listing the number of the cause, the style, and the date the proceeding was filed, and the date the appointment was made, so that the circuit court shall be advised of the pendency of proceedings in which trustee's reports are required to be filed.

### 74.5 AUDIT

Prior to approval of a trustee's report by the court, the report shall be audited by a qualified person appointed by the court.

## 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:

- (1) The style and number of case in which the judgment was obtained;
- (2) The date the judgment was 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;

- debtor;
- (4) The full name and current address, if known, of the judgment debtor;
  - (5) A full description of the property to be executed upon;
  - (6) The return date on the execution (30, 60, or 90 days);
  - (7) Any special instructions to be provided to the sheriff performing the execution. The person filing same shall deposit then current cost deposit for service of the same upon filing.

## RULE 82 GARNISHMENT

The person filing same shall deposit then current cost deposit for service of the same upon filing.

## RULE 83 JUDICIAL SALES

(No local Court Rule.)

## RULE 100 INTERNAL ORGANIZATION

### 100.1 PRESIDING JUDGE

#### 100.1.1 ELECTION

This circuit is to elect a Presiding Judge in December of each even numbered year to serve a two year term, beginning on January 1st following the election. The Presiding Judge is to be elected from among the Circuit Judges within the circuit by a majority of the Circuit and Associate Circuit Judges. Said election shall occur at the regular December meeting in even numbered years of the Court En Banc, or at a Special meeting called for this purpose. The Presiding Judge may serve more than one term, provided however, the Presiding Judge may not vote on his or her succession. The Presiding Judge may be removed by a two-thirds vote of all of the Circuit and Associate Circuit Judges under the same procedure as set forth above.

#### 100.1.2 DUTIES OF PRESIDING JUDGE

The Presiding Judge is the general administrative authority of the circuit. In this function, the Presiding Judge shall 1) preside at all Court En Banc meetings, 2) supervise and appoint any needed committees, 3) supervise preparation of the budget, 4) coordinate all duties of personnel, 5) handle media and government contacts, 6) standardize procedures among the divisions of the circuit, and 7) represent the Court En Banc in the call and supervision of Petit and Grand Jury functions.

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 a municipal ordinance violation case, 2) any

Judge to try a felony case when that Judge has conducted the preliminary hearing, or 3) any case to a Judge contrary to Supreme Court Rule or these rules.

The meetings of the Court En Banc shall be regularly scheduled at least once per month. The Presiding Judge (or any two other Judges) by giving written notice may call a Special Meeting of the Court En Banc. The written notice shall state the agenda for the Special Meeting. If any Judge so requests, any meeting of the Court En Banc shall be on the record. Unless otherwise agreed, "Robert's Rules of Order" shall govern the conduct of any meeting. Each Judge, including the Presiding Judge, has one vote, and a simple majority shall rule.

The Presiding Judge may call a Special Term of Court, when deemed necessary. The Presiding Judge may appoint a Secretary and such other personnel as provided by law to aid in conducting the business of the circuit.

## 100.2 LOCAL COURT RULES

Local Court Rules may from time to time be formulated, revised or amended, and shall become effective on a date stated therein, which date shall be after an affirmative vote of the Court En Banc, and after the filing of a copy thereof with the Supreme Court. Copies shall be published and made available in the Circuit Clerk's Office to the Bar of the 23rd Circuit and to the public.

## 100.3 ALTERNATIVE DISPUTE RESOLUTION-PROCEDURE

(No local Court Rule.)

## 100.4 LAW LIBRARY

### 100.4.1 ESTABLISHMENT

There is hereby established a Jefferson County Law Library to be maintained for the benefit of the courts, the attorneys, and the public. No person shall remove any book or other materials from same without complying with established check out procedures.

### 100.4.2 LAW LIBRARY COMMITTEE

(1) The Jefferson County Law Library shall be under the supervision of the Presiding Judge. The Presiding Judge may appoint another member of the Court En Banc to act in his or her place on all matters.

(2) The law library shall be governed by a committee of three, consisting of one Judge appointed by the Presiding Judge and two members in good standing of the Jefferson County Bar Association. The Presiding Judge shall appoint all three members of the committee and designate one member to

serve as chairperson. Appointments shall be made by administrative order, and announced at the next meeting of the Jefferson County Bar Association.

(3) The committee members shall serve two year terms, beginning the January Term Day of each odd-numbered year. Any member may serve more than one term, subject to their re-appointment by the Presiding Judge. Any committee member who no longer wishes to serve the following term shall notify the Presiding Judge in writing on or before the December Adjourned Day next preceding. Any member who wishes to resign in mid-term shall so notify the Presiding Judge in writing. The Presiding Judge, upon receipt of a resignation, shall appoint a new member to fill the unexpired term within 60 days of receipt of the notice of resignation. The resigning member shall continue to serve until a replacement is appointed, unless excused by the Presiding Judge. For cause, the Presiding Judge may remove any member at any time.

(4) The committee has the authority to make decisions regarding acquisitions of books or materials for the library. The committee will present recommendations to the Presiding Judge for approval. A vote of two of the three members shall be sufficient to make a recommendation. Any member may make a short written statement for or against a recommendation. The committee will accept suggestions from the court or the bar association. Suggestions should be in writing and submitted to any member of the committee.

(5) The committee shall keep a record of actions taken.

(6) The committee shall review the income and expenses of the library on a regular basis. The committee shall meet on a regular basis to review suggestions, materials needed, etc.

(7) The committee shall make a twice yearly report to the Court En Banc, concerning finances, acquisitions, and long range plans. The committee may request time at Court En Banc meetings if necessary.

#### 100.4.3 LIBRARY FUND

(1) All funds shall be maintained in an interest bearing account with check writing facilities. If sufficient funds exist, the Court En Banc, at the recommendation of the committee, may direct that a portion of the funds be placed in certificates of deposit, money market funds, treasury bills or other secure deposits. All bank accounts shall bear three signatories: the Circuit Clerk, one member of the committee and their bookkeeper. All accounts shall require the signature of two of the three to negotiate a check.

(2) Approved expenditures shall be paid from current income funds at the direction of the committee. Purchases in excess of One Thousand (\$1,000.00) dollars shall be made only following the approval of the Court En Banc.

(3) The committee shall employ such persons as needed to run the library, including bookkeeping, and librarian functions. The bookkeeper shall have authority to pay approved expenditures and keep a record of all receipts and payments. The librarian shall be responsible for the shelving of new books, pocket parts and general maintenance of the library. The committee, subject to

the approval of the Presiding Judge, may authorize the compensation of such persons. The rate of compensation will be subject to annual review.

4) Effective after December 30, 1996, and pursuant to RSMO §514.440, the Court En Banc orders that the sum of \$15.00 be deposited with the Clerk of Court by any party filing a civil case for the benefit of the Jefferson County Law Library Fund, except for such proceedings when costs are waived or are to be paid by the county, or state, or any city.

#### 100.4.4 LIBRARY RULES

The rules governing the use of the Law Library may be revoked, amended, or supplemented from time to time to fit the needs of the library. Suggestions for rule changes may be submitted to the committee or the Court En Banc, in writing. All rule changes require the approval of the Court En Banc.

#### 100.5 STORAGE OF COURT RECORDS

(No local Court Rule.)

#### 100.6 CLERK'S DUTIES

(No local Court Rule.)

#### 100.7 SELECTION OF VENIREMEN

(No local Court Rule)