

Rule 37.53

(a) This Rule 37.53 governs the procedure for disqualification of a judge in all ordinance violation cases, except those heard de novo or those in which there is a timely exercise of a right to a jury trial.

(b) If the judge is related to any defendant or has an interest in or has been counsel in the case, he/she shall disqualify him/herself.

(c) A change of judge shall be ordered upon the filing of a written application therefore by any party. The applicant need not allege or prove any reason for such change. The application need not be verified and may be signed by any party or an attorney for any party.

The application shall be filed not later than ten (10) days after the initial plea is entered. If designation of the trial judge occurs more than ten days after the initial plea is entered, the application shall be filed within ten days of designation of the trial judge or prior to commencement of any proceeding on the record, whichever is earlier. The judge, in the exercise of discretion, may allow an application to be filed any time before the trial commences.

No party shall be allowed more than one change of judge pursuant to this subdivision (c), however, no party shall be precluded from requesting a change of judge for cause at any time.

(d) When a timely application for a change of judge is filed or a judge disqualifies himself, the judge shall:

1. comply with any circuit court rule that provides for the assignment of a judge; or
2. notify the presiding judge of the circuit who shall designate a judge to hear the case or request the Missouri Supreme Court to transfer a judge to hear the case.

(e) If an associate circuit judge or a circuit judge is designated to try the case, the designated judge shall determine the location of the trial at a place within the county.

NOTE: 479.220 requires that an affidavit be filed by the parties, whereas Rule 37.53 requires a change of judge solely upon application of one of the parties. It should be emphasized that Rule 37.53 must be followed in any case initially before the municipal court, and that a change of judge may be ordered without any supporting affidavit or cause. A judge should always disqualify himself, even when he feels that he can properly decide a case, if his being the judge could give the appearance of impropriety in any way.