

## **INTERNAL ORGANIZATION**

### **RULE 100                    ADMINISTRATION RULES**

#### **100.1                    PRESIDING JUDGE**

##### **100.1.1                ELECTION**

(1)                The Circuit and Associate Circuit Judges of the Twenty-First Judicial Circuit shall elect a Circuit Judge from their number to serve as presiding Judge of the Twenty-first Judicial Circuit for a term of two (2) years, provided that any sitting Presiding Judge shall remain in office until removed or until a successor is duly elected pursuant to these rules.

(2)                The election of the Presiding Judge shall be in October of each even numbered year for a term to begin the following January 1. Said election shall take place at a meeting of the Circuit and Associate Circuit Judges to be held in the conference room of the Court en banc in Clayton, Missouri. Other matters may be considered and acted upon by the Circuit Judges at said meeting, but no other business need be transacted at said meeting. The minutes of the election shall be taken by a Certified Court Reporter.

(3)                Said election meeting shall be held at a time and date designated in a call for said meeting issued at least three (3) days in advance by the incumbent Presiding Judge who shall communicate it promptly to each Judge entitled to vote for Presiding Judge for the Twenty-first Judicial Circuit. The incumbent Presiding Judge shall preside at said election in accordance with existing Circuit Court rules.

(4)                At said election meeting each Circuit Judge and each Associate Circuit Judge shall be entitled to nominate one Circuit Judge for Presiding Judge of the Circuit. However, no candidate shall be deemed nominated until his or her nomination is seconded by another Judge present and voting at said meeting.

(5) The election will be by secret ballot. Each Circuit and Associate Circuit Judge shall have one vote. The duly nominated candidate receiving the vote of the majority of the Circuit and Associate Circuit Judges shall be elected. No proxy vote shall be permitted.

(6) At the same meeting an Assistant Presiding Judge shall be nominated and elected in the same manner and for the same term as the Presiding Judge.

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

The Presiding Judge is the general administrative authority of the Court. The Presiding Judge shall preside over all court en banc meetings, handle media and government contact and serve as a non-voting member, ex officio, of all committees.

### **100.1.3 DISPUTE RESOLUTION - PROCEDURE**

[No local rule]

### **100.1.4 REMOVAL OF PRESIDING JUDGE**

(1) At any time during the term of a Presiding Judge on the written request of 40% of the Circuit and Associate Circuit Judges, the Presiding Judge of the circuit shall promptly issue a call for a meeting of the Circuit and Associate Circuit Judges to consider and decide whether the Presiding Judge shall be removed as Presiding Judge and a different Presiding Judge elected to serve for the remainder of the term of the Presiding Judge. If the Presiding Judge is unable or unwilling to issue such a call promptly, the Judicial Administrator shall issue such a call through the Court Services Officer.

(2) The call for such removal election meeting shall designate the conference room of the Court en banc as the place of the meeting, a time for said meeting not less than three (3)

days and not more than five (5) days subsequent to the date of the call; and the Judicial Administrator or the assistant shall communicate said call promptly to each Circuit and Associate Circuit Judge. The call for such meeting shall state the purpose of the meeting but no grounds for removal of the Presiding Judge need to be stated.

(3) At the time, place and date stated in the call for such a meeting the then Presiding Judge shall not preside. The Judicial Administrator shall preside until the Circuit and Associate Circuit Judges by majority of those present and voting shall elect by secret ballot a chairman of the meeting. Thereafter, said chairman shall preside over the meeting in accordance with existing Circuit Court rules.

(4) At such meeting the voting shall be by secret ballot on the issue of removing the then Presiding Judge.

(5) Prior to voting on the issue of removing the Presiding Judge, each Circuit and Associate Circuit Judge present at the meeting shall be given at least one opportunity to express his or her views on the removal issue.

(6) No Presiding Judge of the circuit shall be removed as Presiding Judge prior to the expiration of his or her term as Presiding Judge unless and until seventeen (17) or more Circuit and Associate Circuit Judges vote to remove him or her at a duly called removal election meeting.

(7) In the event of such removal of the then Presiding Judge, the chairman of the meeting shall at once call for a meeting for the election for a different Presiding Judge of the circuit to serve out the remainder of the term of the removed Presiding Judge. Such election meeting shall be called for not less than three (3) days, or nor more than five (5) days subsequent to the removal of the former Presiding Judge. Such election shall be conducted in accordance with the procedures and requirements set out in Rule 100.1.1. The Assistant Presiding Judge shall serve as Presiding Judge until the election of a new Presiding Judge.

### **100.1.5 BUDGET COMMITTEE**

(1) A budget Committee and a Chairman thereof shall be appointed by the Presiding Judge. Said committee shall include the Probate Judge, the Family Court Administrative Judge, 1 Associate Circuit Judge and 2 other Circuit Judges. Said committee shall meet at the call of the Chairman.

(2) The duties of the Budget Committee shall include the preparation, submission and administration of a unified budget for all the divisions of this Court. In that regard, all divisions of this Court shall submit budget estimates to the Budget Committee on or before June 1 of each year or at such other time as the Budget Committee shall designate.

(3) The Budget Committee shall review said budget estimates, and prepare the budget for the divisions of this Court for submission to the County Administration, subject to the approval of a majority of the Circuit and Associate Circuit Judges.

### **100.1.6 RULES COMMITTEE**

(1) A Rules Committee and a Chairman thereof shall be appointed by the Presiding Judge.

(2) The Rules Committee shall meet at the call of the Chairman.

(3) The Rules Committee shall review existing rules, propose modifications to the rules and make recommendations concerning said rules and modifications to the Circuit and Associate Circuit Judges.

### **100.1.7 DEATH OR RESIGNATION OF PRESIDING JUDGE**

In the case of the death or resignation of the Presiding Judge, the Assistant Presiding Judge shall become the

Acting Presiding Judge and shall serve in that capacity until the next Court en banc meeting. At the Court en banc meeting next after the death or resignation of the Presiding Judge, elections, for the remainder of the unexpired term(s), shall be held for the position of Presiding Judge and for Assistant Presiding Judge, if necessary. The election shall be governed by the procedures contained in Rule 100.1.1.

### **100.1.8 SURCHARGE COMMITTEE**

(1) A Surcharge Committee, the “Surcharge Committee”, and a Chairperson thereof shall be appointed by the Presiding Judge. The Surcharge Committee shall meet at the call of the Chairperson.

(2) The Surcharge Committee shall review expenditures of the surcharge collected pursuant to Sections 488.426 and 488.429, RSMo, (the “Surcharge Fund”), shall review the Director of Judicial Administration’s proposed annual budget for operation of the St. Louis County Law Library, shall submit a proposed annual budget for operation of the St. Louis County Law Library to the Court en banc, shall review reports from the Director of Judicial Administration concerning maintenance and upkeep of the St. Louis County Law Library.

(3) The Surcharge Committee shall report to judges of the Court en banc the Committee’s recommendations for disbursements from the Surcharge Fund.

### **100.1.9.1 CHIEF JUVENILE OFFICER**

(1) Appointment of Chief Juvenile Officer

In accordance with Supreme Court Operating Rule 14.01, the division of the Presiding Judge shall be designated a division of the Family Court by administrative order and the Presiding Judge shall be the appointing authority of the Chief Juvenile Officer. The procedure for the filling of a vacancy in the position of Chief

Juvenile Officer shall be consistent with existing Family Court policies and hiring procedures. All other administrative powers and authority regarding the Family Court shall be retained by the Administrative Judge of the Family Court under Chapter 487 RSMo.

(2) Supervision of Chief Juvenile Officer

The Family Court Administrator shall exercise supervisory authority over the Chief Juvenile Officer. Pursuant to Section 211.351, RSMo, the terms of employment of the Chief Juvenile Officer shall be subject to the Human Resources Policy Manual of the Family Court.

(3) Effective Date

This rule shall become effective July 1, 2016.

**100.2 LOCAL COURT RULES**

**100.2.1 FORMULATION**

Proposed Local Rules of Court shall be “The Rules of Court”, when adopted by a majority of the Circuit and Associate Circuit Judges. Immediately following their adoption, the Presiding Judge shall certify and transmit the Rules to the Clerk of the Missouri Supreme Court and the Clerk of the 21st Judicial Circuit and obtain receipts therefore. Said receipts shall be filed with the Judicial Administrator. The effective date of said Rules shall coincide with the acknowledgment by the respective clerks of their receipt of said Rules, unless otherwise designated.

**100.2.2 PUBLICATION**

[No local rule]

**100.3 SURCHARGE FUND**

(1) Pursuant to Section 488.426.1, RSMo., the

Circuit Clerk shall collect a surcharge of \$20.00 from any party filing a civil suit to be heard under practices and procedures applicable before Associate Circuit Judges and any civil suit in the Circuit Court provided that such surcharge shall not be collected by the county or state or any city.

(2) All sums collected by the Circuit Clerk pursuant to this rule shall be deposited monthly by the Circuit Clerk pursuant to Section 488.429 RSMo., to the surcharge fund, the "Surcharge Fund".

(3) Pursuant to Section 488.429.1, RSMo., the Court, en banc, designates the St. Louis County Treasurer as treasurer of the Surcharge Fund to act from time to time as directed by the Court en banc.

(4) Pursuant to Section 4.440 of the St. Louis County Charter, the Court, en banc, directs the Director of Judicial Administration to carry out any duties and obligations the Court may have for maintenance and upkeep of the St. Louis County Law Library, as provided by Section 488.429.1, RSMo., consistent with the Court en banc's instructions, and further directs the Director of Judicial Administration to submit to the Surcharge Committee an annual proposed budget for operation of the St. Louis County Law Library, to authorize expenditures for operation of the St. Louis County Law Library as provided by the budget approved by the judges of the Court en banc, to make recommendations to the Surcharge Committee regarding the application and expenditure of the Surcharge Fund for maintenance and upkeep of the St. Louis County Law Library and to report to the Surcharge Committee, from time to time, as directed by the Surcharge Committee.

(5) The Director of Judicial Administration shall also be responsible for the direction, control, staffing, and supervision of St. Louis County Law Library employees and all matters relating thereto.

## **RECORDS AND FILES**

### **100.4 STORAGE OF RECORDS**

#### **100.4.1 REPRODUCTION, PRESERVATION, ARCHIVAL STORAGE AND DISPOSAL OF ORIGINAL CIRCUIT COURT FILES AND THEIR CONTENTS**

[No local rule]

#### **100.4.2 REPRODUCTION AND PRESERVATION OF COURT RECORDS OTHER THAN FILES AND THEIR CONTENTS**

[No local rule]

#### **100.4.3 RESPONSIBILITY FOR INDEXING AND PRESERVING COURT REPORTER NOTES**

[No local rule]

#### **100.4.4 IDENTIFICATION OF REPORTERS' NOTES**

[No local rule]

#### **100.4.5 INDEX**

[No local rule]

#### **100.4.6 STORAGE OF NOTES**

[No local rule]

#### **100.4.7 NOTES OF SUBSTITUTE REPORTERS**

[No local rule]

#### **100.4.8 STORAGE OF NOTES UPON RETIREMENT, TERMINATION OR DEATH OF COURT REPORTER**



[No local rule]

**100.4.9 BOXING AND STORING OF OLD NOTES**

[No local rule]

**100.4.10 RESPONSIBILITY FOR FURNISHING MATERIALS AND SPACE FOR STORAGE OF COURT REPORTER NOTES**

[No local rule]

**100.4.11 PROCEDURE FOR EXAMINATION OF CRIMINAL RECORDS**

[No local rule]

**100.4.12 PROCEDURE FOR EXPUNGING AND CLOSING CRIMINAL RECORDS**

[No local rule]

**100.5 CLERK'S DUTIES**

[No local rule]

**100.5.1 MONIES PAID INTO COURT**

[No local rule]

**100.6 SELECTION OF VENIREMEN**

[No local rule]

**100.7 COURT EN BANC MEETINGS**

(1) A meeting of all Judges shall be called by the Presiding Judge at least monthly, on the second Wednesday, except July and August, at 12:30 p.m. and such other times as the Presiding Judge shall call a meeting of all the Judges or when 40% of the Circuit and Associate Circuit Judges request it.

(2) Except in emergencies, the Presiding Judge's call of a meeting en banc shall be issued at least three (3) days prior to the meeting. It shall be accompanied by a proposed agenda which shall include any matters which any other Judge has asked the Presiding Judge to put on the Court en banc's agenda. Any Judge who desires thereafter to have a matter added to the proposed agenda shall so advise the Presiding Judge at the earliest possible moment, and in any event at least two (2) days prior to the meeting. Upon receipt of a timely request to add a matter to the proposed agenda, the Presiding Judge shall promptly notify all the Judges that said matter has been added to the proposed agenda.

(3) A quorum for a Court en banc meeting shall be a majority of the Circuit and Associate Circuit Judges.

(4) No proxies shall be allowed at Court en banc meetings.

(5) Except where law or these rules provide otherwise, all business transacted by the Court en banc shall be by a vote of the majority of the Circuit and Associate Circuit Judges.

(6) The Court Administrator and the Court Services Officer shall attend the executive sessions unless a majority of the Circuit and Associate Circuit Judges present decide otherwise. If any action is taken by the Court en banc while meeting in executive session, such action (but not the discussion or votes cast) shall be recorded in writing in summary form by the Court Services Officer, if present, or if the Court Services Officer is not present, then by some Judge designated by the Presiding Judge. Such summary record of actions taken during executive sessions shall be included in the minutes of meetings en banc.

(7) The Presiding Judge shall preside over meetings en banc, participate fully in the discussion of matters, but shall have no more vote than any other Judge. Rulings of the Presiding Judge or other person presiding at the meeting shall be final unless they are appealed. If any Judge present appeals any such ruling, the matter shall be put to an immediate vote, but the ruling shall stand unless a majority of those Circuit and Associate Circuit Judges present and voting shall vote to reverse the ruling.

(8) The minutes of meetings en banc shall be taken and prepared by either the Director of Judicial Administration's Administrative Secretary or the Court en Banc's Legal Secretary, or such other person selected by the Judicial Administrator and approved by the Presiding Judge and shall be submitted in draft form to the Presiding Judge, who shall approve or correct them as promptly as possible. As approved or corrected by the Presiding Judge, the full minutes shall be distributed to all the Judges, and those portions of the minutes which are of direct concern to other officials in the County Government shall be excerpted and given to them for their information. The full minutes so distributed to the Judges shall be deemed approved unless amended or corrected at the next Court en Banc meeting.

(9) If the Presiding Judge is absent from the courthouse, the Assistant Presiding Judge shall act as the Presiding Judge during the period of his absence. If neither is available, the Presiding Judge shall appoint another Judge as acting Presiding Judge.

(10) Any actions or orders of the Presiding Judge or Assistant Presiding Judge that have occurred since the last meeting of all the Judges or Circuit Judges, as the case may be, may be reviewed at the next Court en banc meeting, by a majority of the Circuit and Associate Circuit Judges, under their supervisory authority. Such orders or actions may thereafter be approved, revised or rescinded by resolution of a majority of the Circuit and Associate Circuit Judges.

(11) Consistent with Rule 100.7(7) there shall be no parliamentarian elected, selected or appointed at Court en banc meetings.

**100.8 BOARD OF JAIL VISITORS**

[Repealed - Effective September 9, 1998]

**100.9 TIME PAYMENT FEE FUND**

(1) The Circuit Clerk shall collect the maximum fee allowed by §488.5025.1 RSMo. from 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.

(2) The Circuit Clerk shall establish a Time Payment Fee Fund with that portion of the Time Payment Fee collected pursuant to paragraph 1, and retained pursuant to by §488.5025.2 RSMo.

(3) Money on deposit in the Time Payment Fee Fund shall be used as directed by order of Court en banc.

### **100.10 COMMISSIONER REVIEW COMMITTEE**

(1) The Presiding Judge shall appoint four judges to serve on the Commissioner Review Committee. The Committee shall be comprised of two Circuit Judges and two Associate Circuit Judges.

(2) Any and all complaints concerning a Commissioner of this court shall be referred to the Commissioner Review Committee for appropriate review, and any investigation as the Committee finds necessary. The Committee may dismiss without further action any complaint that it finds does not have merit. If three members of the Committee find that the complaint requires further action the complaint and a recommendation of the committee shall be referred to the Court en banc.

(3) A complaint and recommendation sent to the Court en banc shall be set on the next Court en banc agenda. The Court en banc shall determine what if any action to take on the complaint. If the Court en banc determines that possible action may be taken against a Commissioner, the matter shall be set for a hearing before the Court en banc with notice to the commissioner before any action can be taken against a Commissioner.

(4) In the event that a hearing is scheduled by the Court en banc, the Commissioner shall be given notice and opportunity to appear and to present evidence to the Court en banc. Formal Rules of evidence do not apply. The Presiding Judge shall

preside over the hearing and make any necessary rulings. A majority vote of the Court en banc is required in order to take action against a Commissioner. The vote of the Court en banc is final.

(5) The Director of Judicial Administration shall provide support services to the Committee and serve as a non-voting member of the Committee.