

## **GENERAL RULES**

### **RULE 21 ATTORNEYS**

#### **21.1 RESOLUTION OF CONFLICTING TRIAL SETTINGS**

An attorney becoming aware of conflicting trial settings among the divisions of the court shall within three (3) days of learning of the conflict advise the judges presiding over the divisions wherein the conflict occurs. The conflict shall be resolved by the judges.

#### **21.2 ENTRIES OF APPEARANCE**

(1) Attorneys retained in pending cases shall enter their appearance promptly after their employment. The signing of any pleading or document filed with the Court constitutes an entry of appearance.

(2) Practice by non-resident attorneys is governed by Supreme Court Rule 9.

(3) All attorneys who practice in this court shall be required to become registered users by completing the online registration form to request access to the electronic filing system maintained by the Office of State Courts Administrator pursuant to Court Operating Rule 27.

(4) All attorneys who practice in this court must comply with the Supreme Court Rules, Local Rules and Supreme Court Operating Rule 27 concerning electronic filing.

#### **21.3 CONDUCT OF ATTORNEYS**

[No local rule]

## **21.4 WITHDRAWAL OF ATTORNEYS**

### **(1) Without Leave of Court.**

(a) **Matter Completed.** An attorney may withdraw from a case when a matter is completed, upon filing a withdrawal memorandum demonstrating that there are no pending claims or issues in the matter and showing compliance with Section 3 of this Rule.

### **(2) With Leave of Court.**

(a) **Matter Not Completed.** An attorney may withdraw from a case after filing a motion to withdraw showing compliance with Rule 4-1.16 and with Section 3 of this Rule. Withdrawal is not complete until such time as the court has granted leave to withdraw.

(b) **Termination of Limited Appearance.** An attorney who has filed an entry of limited appearance shall file a notice of termination of limited appearance when the attorney wishes to withdraw from the case. The notice shall demonstrate that the attorney has completed the duties set out in the entry of limited appearance and shall show compliance with Section 3 of this Rule. Withdrawal from the case is not complete until such time as the court has granted leave to withdraw.

### **(3) Notice**

In addition to service on all others required to be served, notices to clients of withdrawal memoranda, motions to withdraw, and notices of termination of limited appearance shall include the client's last known address and shall be served on the client personally, or by first class mail, or by third party carrier at the party's last known address. When leave of court is required, the motion to withdraw or the notice of termination shall include notice to the client of the date of any trial setting and/or the next court date, if any.

**21.5 FAILURE OF ATTORNEYS TO ANSWER DOCKET CALL**

[No local rule]

**21.6 APPOINTMENT OF ATTORNEYS IN CRIMINAL PROCEEDINGS**

(1) Attorneys who are members of the private bar and who do not fall within any category set forth in paragraph (5) of this Rule, may be appointed by the Presiding Judge of the 21<sup>st</sup> Judicial Circuit or his or her designee to represent an indigent defendant in criminal proceedings pending in the 21<sup>st</sup> Judicial Circuit, including probation revocation hearings, pursuant to Section 600.064 R.S.Mo.

(2) The Presiding Judge or his or her designee working with the Office of the Public Defender, shall first determine (a) if the defendant is indigent, and (b) if the charge(s) pending against such defendant could result in any period of confinement for such defendant.

(3) All attorneys appointed to represent an indigent defendant in a case pursuant to this rule shall be appointed from a current list of attorneys registered with the Missouri Bar who are in good standing and reside in St. Louis County, Missouri. Once the appointed attorney has completed representation of the criminal defendant through final disposition, unless otherwise excused by the court, that attorney will not receive a second appointment until all attorneys on the list have been appointed or excused.

(4) An attorney who seeks to be excused from the appointment shall file a motion to be excused within ten (10) days of the appointment. The motion shall contain the detailed reasons that constitute good cause in accordance with Section 600.064 R.S.Mo. The motion shall be heard by the Presiding Judge or his or her designee and a copy of the motion along with a Notice of hearing stating the time, date, and place where the motion shall be heard shall be sent to the Prosecuting Attorney and defendant.

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(5) No attorney shall be appointed who is on “inactive” status, is not in good standing, is a sitting judge, commissioner, full time state prosecutor or state assistant prosecutor, employed by the St. Louis County Circuit Court, St. Louis County Family Court, Legal Services of Eastern Missouri, St. Louis County Government, Office of Missouri State Public Defender, the Missouri Attorney General’s office, or for whom good cause is shown and, in the discretion of the court, it is determined that the attorney should not be appointed.

(6) An appointed attorney may move to substitute an alternate attorney to handle the appointment. Such a request must be in writing with copies to the Prosecuting Attorney and the defendant, and must be approved by the Presiding Judge or his or her designee.

(7) No appointed attorney shall be required to advance personal funds in any amount for the payment of litigation expenses to prepare a proper defense for an indigent defendant. During the pendency of the representation, an appointed attorney may request that reasonable litigation expenses be paid by the Missouri State Public Defender System [MSPD]. Prior to incurring said expense, which may include expenses for depositions or expert witnesses, among other expenses, an appointed attorney shall request approval of said expense(s) from the MSPD through the local public defender office. Upon MSPD approval, an appointed attorney may then incur said expense and submit any such invoice to MSPD for payment pursuant to Section 600.064(2) and (4) R.S.Mo.

## **21.7 AGREEMENT OF ATTORNEYS**

Except as provided for extensions of time to plead in Family Court matters no private or prior stipulation or agreement between parties or attorneys in a pending case will be recognized unless made in writing and filed with the Clerk or made on the record in open court.

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## **21.8**

### **ADVICE TO CLIENT AND WITNESS OF COURTROOM PROCEDURE**

(1) Each attorney shall advise his client and witnesses as to the formality of the court, including proper dress, and seek their cooperation therewith, thereby avoiding embarrassment.

(2) Each attorney shall advise his client not to discuss any phase of the case with the Court.

(3) When the “rule as to witnesses” is invoked by the Court, each attorney is charged with the duty of seeing that the witness complies with that rule.