

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

IN RE: CIVIL CASE MANAGEMENT FOR CIVIL CASES FILED ON
AND AFTER NOVEMBER 1, 2008

ADMINISTRATIVE ORDER NO. 2008-121

ORDER

This order supersedes Administrative Order No. 2005-186. Pursuant to Section 478.240 and Section 487.130 R.S.Mo. and applicable local rules, it is ordered that the following case management system is adopted and shall apply to all civil petitions filed on or after November 1, 2008. The immediate purpose of Civil Case Management is to create a more efficient system of identifying, processing, calendaring and hearing all types of civil cases, thereby promoting the timely administration of justice. It is further the intent of this Court that every case has a future court date at all times.

1. DESIGNATION OF TRACK: At the time of filing the petition, the initiating party shall file with the Department of Civil Records, Circuit Form #4, the **Civil Filing Information Sheet**, included as Attachment A, which will designate the track of the case. Each case shall be designated as expedited, standard or complex by the attorney filing the case.

2. ASSIGNMENT OF CASES: Civil Records will assign all civil cases at random to the Judges who are assigned to hear civil case dockets, within the appropriate venue, in nearly equal numbers or as directed by the Presiding Judge.
3. CASE MANAGEMENT CONFERENCE/ MEDIATION:
 - A. Civil Records will schedule all civil cases, except those to be expedited, as close to sixteen (16) weeks from the date of filing as is practicable. Notices of the case management conference date and order for mediation will be sent by Civil Records to the petitioner/attorney and included in the defendant's summons packet. A sample of the Notice/Order is included as Attachment B. Civil Records will send out only the standard case management notice/order, and will not be permitted to make modifications to the notice/order at the request of a division. Once scheduled, a case management conference may be rescheduled only by the division to whom the case is assigned. The case management order will include the following items:
 - Checklist of what parties shall be ready to discuss at the Case Management Conference
 - Order for Mediation, pursuant to Supreme Court Rule 17, to be completed by the 10 month mark for complex cases and 6 month mark for other circuit civil cases, unless these deadlines are modified at the Case Management Conference.

- B. The attorneys who shall be in charge of the trial in the case shall attend the Case Management Conference and be prepared to discuss the merits of the case with a view toward early disposition of the case.
- C. The suggested timelines for other case milestones are outlined in the Civil Case Management Chart, Attachment C, which was developed and approved by the Civil Docketing Committee in 2008. These are suggested timelines designed to assist Divisions in managing their caseloads expeditiously and to help ensure that the statewide time standards for civil cases set forth in Supreme Court Operating Rule 17 are met by the 16th Circuit.
- D. In the event that the initial Case Management Conference does not result in a pretrial order, and to expedite caseflow by ensuring that each case always has a future date, another Case Management Conference will be scheduled by the division to whom the case is assigned no later than 4 months from the date of the original conference setting.
- E. At the time the Case Management Conference is held, a pretrial order will be issued setting a trial date or a new case management conference date. Any changes in the mediation timeline will also be included. A sample pretrial order is included as Attachment D. The pretrial order may also include the following:
- When discovery is to be completed
 - Deadline for designation of experts
 - Date for dispositive motion cutoff

- Pretrial conference date
 - When exhibit lists are to be completed
 - When witness lists are to be completed
 - When proposed jury instructions are to be completed
- F. Neither the failure to timely complete discovery nor the agreement of the parties to extend discovery after the closure date may constitute a basis for continuance of the designated trial date. No continuances will be granted except upon order of the Court for extraordinary, unforeseen circumstances.
- G. Trial shall commence on the date and time set by the Court, except for extraordinary unforeseen circumstances which are brought to the Court's attention prior to the date set for trial.

/s/

Peggy S. McGraw, Presiding Judge

October 1, 2008

mc: All Judges and Commissioners
Teresa York, Court Administrator
Harlene Hipsh, Deputy Court Administrator
Tracy Smedley, Deputy Court Administrator
Mary Ann McClure, Director of Civil Records
Mary Jacobi, Public Information Officer
Verna Proctor, Assistant Director of Civil Records
Lori Greene, Assistant Director of Civil Records

CIVIL FILING INFORMATION SHEET

at Kansas City

at Independence

CASE #: _____

PARTY PLAINTIFF/PETITIONER		LEAD ATTORNEY OF RECORD-PLAINTIFF/PRO SE	
Last Name:		Last Name:	
First Name:	Middle Initial:	First Name:	Middle Initial:
COMPLETE Social Security Number*:		Address:	
Address:		City:	State: Zip:
City:	State: Zip:	Phone #:	Fax #:
*Required by Supreme Court Operating Rule 4		MO Bar Number:	E-Mail:

PARTY DEFENDANT/RESPONDENT		LEAD ATTORNEY OF RECORD-DEFENDANT <i>(if known)</i>	
Last Name:		Last Name:	
First Name:	Middle Initial:	First Name:	Middle Initial:
COMPLETE Social Security Number*:		Address:	
Address:		City:	State: Zip:
City:	State: Zip:	Phone #:	Fax #:
*Required by Supreme Court Operating Rule 4		MO Bar Number:	E-Mail:

Service Instruction for each defendant listed:

Jackson County: Private Process

Out of County--Provide info below

Sheriff Name/Address: _____

CIRCUIT CIVIL CASE INFORMATION	
Case Type Description: _____	Case Track:
Case Type Code: _____	<input type="checkbox"/> Expedited: (Out of state witness, injunction, TRO, extraordinary remedy, replevins, etc.)
<i>Court Rule 3.1.4-Case Type Code--See Civil Case Codes on Reverse and</i>	<input type="checkbox"/> Standard
<i>under the forms section of the Court's website at www.16thcircuit.org</i>	<input type="checkbox"/> Complex: (Asbestos, tobacco, or other cases that will likely take more than 2 weeks to try)

IMPORTANT INFORMATION

- Review Division-Specific Information on the Court's website to understand the requirements in processing your case--www.16thcircuit.org
- **Court Rule 4.2** requires that this form must be **complete** and include a **filing deposit** or your petition will not be accepted for filing
- **Court Rule 3.5 Designated Lead Attorney** requires that each party is responsible for keeping the designated lead attorney information current
- **Court Rule 21.9 Attorney Change of Address/Facsimile** requires each attorney to keep their address, etc. up dated with the Court Administrator's office.

Date:

Attorney/Pro Se Signature:

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

«WI_GENERAL_FIRST_P_NAME»,

PLAINTIFF(S),

CASE

NO.

«WI_GENERAL_CASE_ID»

VS.

«WI_GENERAL_EVENT_ROOM_DESC»

«WI_GENERAL_FIRST_D_NAME»,

DEFENDANT(S).

**NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE
AND ORDER FOR MEDIATION**

NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable «WI_GENERAL_JUDG_NAME» on «WI_GENERAL_EVENT_SCHED_DATE» in «WI_GENERAL_EVENT_ROOM_DESC» at «WI_GENERAL_EVENT_SCHED_TIME». All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16th Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16th Judicial Circuit web site at www.16thcircuit.org after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.

Attachment B

MEDIATION

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case is filed for complex cases, and 6 months after the date the case is filed for other circuit civil cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

POLICIES/PROCEDURES

Please refer to the Court's web page www.16circuit.org for division polices and procedural information listed by each judge.

/S/ «WI_GENERAL_JUDG_NAME»

«WI_GENERAL_JUDG_NAME», **Circuit Judge**

Certificate of Service

This is to certify that a copy of the foregoing was mailed postage pre-paid or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

Attorney for Plaintiff(s):

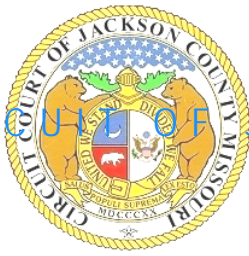
«WI_GENERAL_ALL_ATTY_NM_ADDR»

Defendant(s):

«WI_GENERAL_ALL_D_NAMES»

Dated: «WI_GENERAL_DATE_DDMONYYYY»

Teresa L. York
Court Administrator



SIXTEENTH CIRCUIT COURT OF JACKSON COUNTY

KEY

CMC = Case Management Conference
 PTO = Pretrial Order
 PTC = Pretrial Conference
 = Time since case filed

Petition Filed

Circuit Civil

Automated CMC & Mediation Order w / service

CMC
16 Weeks

PTO

Required:

- Trial Date
- Mediation Cut-off Date

Suggested Options:

- Mediation-if necessary discuss timeline, who will do it
- Date for Naming Experts Set
- Deposition/Discovery Closure Set
- Discovery Commissioner Appointed If Needed
- Dispositive Motion cutoff date
- Plan for settlement discussions

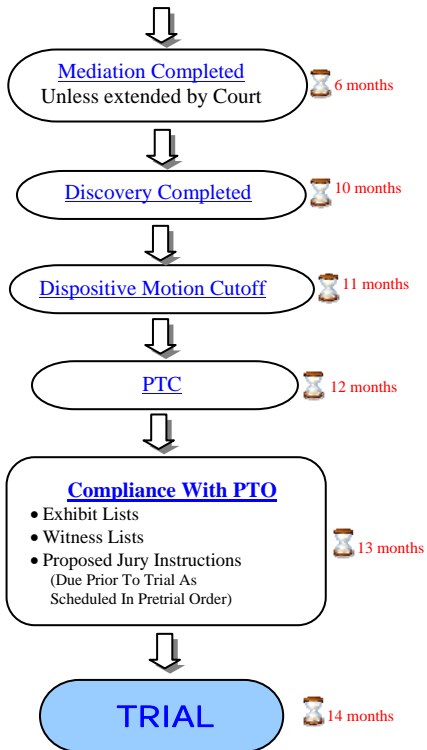
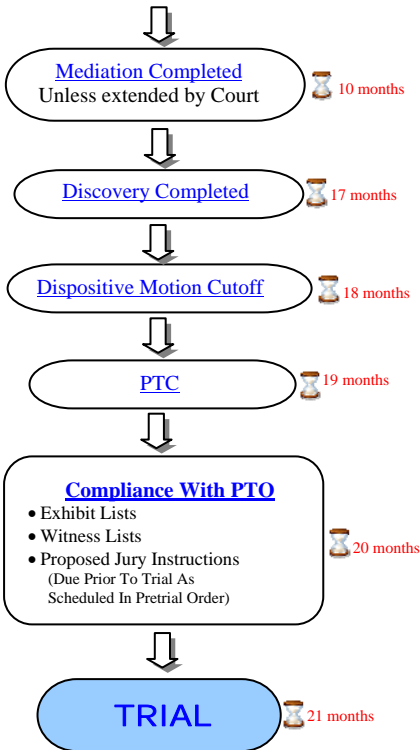
Another CMC
4 Months

Order includes:

- Checklist of what to be ready to discuss at CMC
- Order for Mediation
- Mediation—may opt out within 30 days of service but must be mediated by 10 month mark for complex cases and 6 month mark for other circuit civil cases, unless modified at the CMC

COMPLEX CIVIL CASES:

OTHER CIRCUIT CIVIL CASES:



CIVIL TIME STANDARDS*

Circuit Civil
 90% disposed in 18 months
 98% disposed in 24 months

Associate Civil
 90% disposed in 6 months
 98% disposed in 12 months

*Established by Supreme Court Operating Rule 17

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT _____, MISSOURI

Plaintiff,

vs.

Case No:

DIVISION

Defendant.

CIVIL CASE MANAGEMENT SCHEDULING ORDER

Now on _____, 2008 this matter coming on for scheduling conference and pursuant to Local Rule 35.1, the Court hereby enters the following Scheduling Order:

Plaintiff appears by counsel, _____. Defendant appears by counsel, _____.

1. This case is set for trial on _____ at _____ A.M.
2. This case is set for a case management conference on _____ at _____.
3. The parties are ordered to participate in mediation pursuant to Rule 17. Mediation shall be completed by _____. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of that party shall also personally attend the mediation with the party.
4. _____ is appointed to be the mediator in this case. **OR**
5. The parties shall confer and select a mutually agreeable person to act as mediator in this case.
6. Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.
7. Parties shall file any designated portion of depositions to be read or shown or played to the jury by videotape **ten (10) days before trial**.
8. **Five (5) days before trial**, the parties shall file a list of exhibits to be offered or referred to in the evidence.
9. **Five (5) days before trial**, the parties shall file a list of witnesses to be called to testify at trial.

Attachment D

10. **Five (5) days before trial**, the parties shall file any motions in limine, proposed jury instructions, counter designations and objections to proposed deposition excerpts to be read or played to the jury by videotape, and any trial briefs with the Court and the opposite party.

11. Dates in this pretrial order shall be changed only by leave of Court.

Dated:

Judge

Certificate of Service

I hereby certify that a copy of the foregoing was duly delivered this _____ day of _____, to: