

## **Division 9 Policies and Procedures**

(Updated February 2025)

### **GENERAL INFORMATION**

- Division 9 Conference Call Number: 1-408-418-9388, Access Code 966278533
- WebEx Link: [mocourts.webex.com/meet/joel.fahnestock](https://mocourts.webex.com/meet/joel.fahnestock)
- Court begins promptly at the time set. Please be on time.
- Division 9 often uses e-mail for scheduling matters.
  - a. Always include your e-mail in your entry of appearance. Keep it and all contact information up-to-date.
  - b. You are welcome to use e-mail to contact either the law clerk or the judicial administrative assistant (JAA) for scheduling. The law clerk handles civil and domestic matters while the JAA handles criminal matters.
  - c. Make sure you include all parties on any e-mail. The Court will not accept ex parte communication. Do not copy the Court on ongoing disputes amongst the parties. The Judge will not read these e-mails.
  - d. Do not e-mail the Judge directly.
  - e. Please note the [Div9.cir16@courts.mo.gov](mailto:Div9.cir16@courts.mo.gov) is automatically forwarded to both the sitting law clerk and the JAA. If you e-mail this address, you do not need to also copy the individual law clerk or JAA.
- Prior to contacting the Division, please check Case.net first to ensure it does not answer your question. The Docket Entries tab should include the location, date, and time of your setting.
- Do not ask the Court or Division staff for advice on how to do something. If you need something beyond scheduling, file a motion seeking relief.
- Do not attempt to engage the Court or Division staff in discussion about the substance of the case without your opponent present. Ex parte contact is unethical.

### **FILINGS**

- All filings must be made either through the e-Filing system or with the Civil Records Department.
- All motions for a continuance must be filed electronically with a courtesy copy e-mailed to the Division 9 e-mail at [Div9.cir16@courts.mo.gov](mailto:Div9.cir16@courts.mo.gov).
- Pursuant to Local Rule 33.5.6, proposed orders should accompany all motions. These orders should be sent in Word format via e-mail to Division 9 at [Div9.cir16@courts.mo.gov](mailto:Div9.cir16@courts.mo.gov).
- If you have a discovery dispute, file a motion. The Court will determine whether to rule the motion, schedule a conference, or set a hearing.
- When submitting a domestic case by affidavit, please provide the law clerk a courtesy copy of the proposed Judgment in Word format.

### **CASE MANAGEMENT CONFERENCES (“CMC”) – CIVIL / DOMESTIC**

- **The Civil Case Management Conference Docket is held on Monday mornings at 9:00 a.m.**
  - In lieu of holding a Case Management Conference to select a trial date, the Court prefers counsel confer and complete a proposed scheduling order. Counsel may download the Proposed Scheduling Order template from the Division 9 website and request available jury trial dates from the law clerk. Proposed Scheduling Orders should be submitted in Word format to the law clerk. The law clerk will inform the parties whether the order is sufficient to cancel the Case Management Conference.
  - Proposed scheduling orders must be submitted to the law clerk no later than by Noon on the Thursday preceding the scheduled case management conference.
- **The Domestic Case Management Conference docket is held on a Thursday afternoon once per month, at 1:30 p.m.** It is generally the third Thursday of each month.
- Unless otherwise noted, the Civil and Domestic Case Management Conference dockets are held by telephone. To appear, use the Division 9 Conference Call Number and Access Code.
- Unless a continuance has been granted, you must attend a Case Management Conference, even if service has not been made on a party.
- Unless otherwise noted, clients are not required to attend Civil Case Management Conferences.
- If the case settles prior to trial, the parties must attend all scheduled court dates until the dismissal is entered. Should the case settle, please provide notice to the law clerk via e-mail.

### **PRE TRIAL CONFERENCES (“PTC”) – CRIMINAL**

- **The Criminal Pre Trial Conference Docket is held on Tuesday and Wednesday mornings at 8:30 a.m.** Unless otherwise noted, the docket is held by telephone. To appear, use the Division 9 Conference Call Number and Access Code. The Defendant must attend the pretrial unless in custody or otherwise excused.

### **PROBATION DOCKET – CRIMINAL**

- The Criminal Probation Docket is held roughly every other Thursday at 9:00 am. Prior to the docket, Counsel and probation officers will call in at 8:30 a.m. for an "in chambers" conference. Unless otherwise noted, the docket is held by telephone. To appear, use the Division 9 Conference Call Number and Access Code.

### **HEARINGS AND APPEARANCES**

- If you appear in court on behalf of a client, you must file an entry of appearance or an entry of limited appearance pursuant to Local Rule 21.2.
- The parties shall not “notice up” hearings. The Court maintains its own calendar.
- Division 9 does not have hearings on most purely legal motions not requiring factual findings. The law clerk will contact you to schedule a hearing if one is needed.
- At least 24 hours prior to the hearing, please provide Division 9 with an exhibit list, digital copies of all exhibits, a witness list, and a proposed Order or Judgment if

applicable. Exhibits shall be numbered, not lettered, and the parties shall not use the same numbers. An exhibit list template is available on the Division 9 website if needed.

### **TECHNOLOGY**

- If you intend to use audio/visual materials in the courtroom, you will need to bring your own mechanisms for presentation. The Court has a dropdown screen that can be used with a projector, but has no projector of its own. Any extension cords used in the courtroom must be taped down to prevent a tripping hazard.

### **TRIALS**

- Arrive to court prior to the start time so issues may be addressed without inconveniencing the jury.
- Have witnesses waiting and ready to proceed so the jury is not waiting.
- During voir dire, jurors are referred to by number only.
- The Court will ask the venire panel about hardships.
- Do not block the court reporter's view of the panel while you are questioning the panel.
- Do not block the Court's view of the jury with exhibits.
- No visual aid or exhibit may be used in opening statement unless opposing counsel has been shown the visual aid or exhibit and has agreed the item may be used.
- The interrogation of each witness shall consist of: (1) direct examination; (2) cross-examination; (3) redirect examination; and (4) recross-examination. No further questioning will be permitted except by leave of Court in extraordinary circumstances.
- Counsel may approach the witness for any legitimate purpose without requesting permission.
- No food or drink is allowed in the courtroom except for water unless you have a medical need.
- For the benefit of the jury, the parties shall exchange exhibits prior to trial and agree to foundation and admissibility wherever possible to avoid delay.
- Each party shall mark exhibits prior to trial or hearing with an exhibit sticker indicating whether the exhibit is being offered by plaintiff or defendant, along with the exhibit number. Only the Court uses letters for exhibits. Each party shall provide an exhibit list prior to the start of trial or a hearing. Use whatever form you like, but one is provided on this website.
- Please clean up and remove trash from the courtroom and witness rooms after your use.