

## CIVIL CASES

### GENERAL REQUIREMENTS FOR ALL CASES

- The Court strictly adheres to Missouri Supreme Court Rule 2-2.9 regarding Ex Parte Communication. Please include opposing counsel or unrepresented parties in emails to the Court.
- When another attorney has filed an Entry of Appearance or Designation of Lead Attorney, attorneys may withdraw without leave of Court by filing a pleading titled ‘Memorandum of Withdrawal’. Please refer to Local Rule 21.4.1.
- Missouri Supreme Court Rule 43.01(c) and Local Rule 3.1(2) require attorneys to put their email address and fax number in the signature block of all pleadings.
- All motions shall be prepared in compliance with Local and Supreme Court Rules. Local Rule 33.5.6 requires that “**all** motions except those in which a hearing is requested shall be accompanied by a proposed order.”
- The case number and style of the case shall be included in the subject line with the case number first.
- All transcript requests must be in writing and sent to the Division 13 Court Reporter.

#### **A. DESIGNATION OF LEAD ATTORNEY OF RECORD**

1. Counsel for each party in every civil case is directed to file a Designation of Lead Attorney of Record pursuant to Local Rule 3.5.1. This designation shall be filed for parties that are only represented by one attorney as well as when a party has multiple attorneys of record. This is necessary to ensure that each party receives copies of orders and notices sent by the Court.

#### **B. CONTINUANCE MOTIONS**

1. Continuances from Trial dates will be granted only for good cause shown.
2. All applications for continuance shall be filed on or before the Wednesday of the week prior to the case management **OR** trial setting. Applications for Continuance shall comply with Supreme Court Rule 65 and Local Rules 34.1. If a case is set for trial but has been otherwise resolved, Division 13 will not take the matter off of the trial docket until a dismissal is filed with the Court. If a dismissal cannot be filed before the trial date, the parties must file a Motion for Continuance or appear on the morning of trial to request a

continuance for that reason. A future court date will remain on the calendar for all pending cases.

### **C. CASE MANAGEMENT CONFERENCES:**

1. Attorneys designated as lead counsel should appear if at all possible for the case management conference.
2. The parties shall be prepared to discuss with the Court any issues remaining for trial, including:
  - Settlement Prospects;
  - Mediation and other Alternative Dispute Resolution;
  - Joinder of Additional parties;
  - Amendment of Pleadings;
  - Designation of Expert Witnesses;
  - Completion of Discovery;
  - Filing of Dispositive Motions; and
  - Pre-trial Conference and Dates.
3. The parties shall be prepared to set the matter for trial.
4. In the event that the initial case management conference does not result in a pretrial order, another case management conference will be scheduled.
5. All deadlines, except for the dispositive motion deadline and trial date, which are set out in the Court's Scheduling Order, may be changed without leave of Court if agreed upon by the parties.
6. Failure to appear for a scheduled case management conference may result in dismissal of the case.

### **D. FILING OF MOTIONS**

1. All motions shall be filed with the Department of Civil Records.
2. All motions shall be prepared in compliance with Local and Supreme Court Rules. Local Rule 33.5.6 requires that “**all** motions except those in which a hearing is requested shall be accompanied by a proposed order.” Proposed Orders should be in Word or Word

compatible format and may be emailed to [div13chambers@courts.mo.gov](mailto:div13chambers@courts.mo.gov) and Law Clerk listed on the 16<sup>th</sup> Circuit website.

- The case number and style of the case should be included in the subject line with the case number first.
3. Counsel shall make efforts to resolve any discovery dispute first as required by Local Rule 33.5.
  4. It is the policy of Division 13 to attempt to rule on all motions promptly upon their becoming ripe for ruling. If a motion is ripe, but has not been ruled upon, counsel may bring that to the attention of the Division 13 Law Clerk, preferably via email. The Law Clerk's email is listed on the Division 13 webpage at <https://www.16thcircuit.org/division-13-judge-charles-h-mckenzie>.

#### **E. PRETRIAL MATTERS**

1. If a date for pre-trial conference is not set at the case management conference, the parties may contact the Division 13 Law Clerk, at least one month prior to the trial date, to schedule one.
2. Please refer to the Court's Scheduling Order for other pretrial matters and deadlines.
3. Please contact the Division 13 Law Clerk to arrange a time to set up any equipment in the courtroom or if you have any other questions regarding pretrial matters.

#### **F. TRIAL**

1. The parties shall provide the Judge, Law Clerk, and the Court Reporter with a Witness and Exhibit List on the morning of trial. The parties shall number all exhibits consecutively pursuant to Local Rule 24.1
2. The parties shall provide the Court with printed sets of the annotated copies of proposed jury instructions on the day trial begins. Copies of these instructions shall also be sent electronically in Word or Word compatible format to the Division 13 Law Clerk and Division 13 Court Reporter.
3. See the Guidelines for Trial/Courtroom Decorum.