

## **Division 9 Policies**

**(Updated November 2, 2023)**

- 1. Division 9 Conference Call Number: 1-408-418-9388, Access Code 966278533**
2. Court begins promptly at the time set. Please be on time.
3. Division 9 often uses e-mail for scheduling matters.
  - a. Always include your current 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 Criminal or the Civil/Domestic Clerk for scheduling.
  - c. Make sure you include all parties on any e-mail. The Court will not accept ex parte communications. Model Rules of Prof'l Conduct R. 3.5 (2019). Do not copy the Court on ongoing disputes among the parties. The Judge will not read these e-mails.
  - d. Do not e-mail the Judge directly.
4. All filings must be made through the e-filing system. Pursuant to Administrative Order 2013-008, all motions for 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).
5. 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).
6. The Clerks' Offices, depending on staffing levels, may take several days to accept a filing, so the Division may not see your motions if filed shortly before a court appearance. Any chambers copies of motions should be sent via e-mail to Division 9 at [div9.cir16@courts.mo.gov](mailto:div9.cir16@courts.mo.gov).
7. Unless you have been granted a continuance, you must attend a Case Management Conference, even if service has not been made on a party.
8. Clients do not have to attend Civil Case Management Conferences.
9. If you have a discovery dispute, file a motion. The Court will determine whether to rule the motion, schedule a telephone conference, or schedule a hearing.
10. Division 9 does not have hearings on most purely legal motions not requiring factual findings. The Clerk will contact you to schedule a hearing if one is needed. The parties shall not "notice up" hearings.

11. If the case is settled prior to trial, the parties must attend all scheduled court dates until the dismissal is entered.
12. If the case is settled prior to trial, please provide notice to the Clerk via e-mail even if it is after regular business hours or on the weekend.
13. If you appear in court on behalf of a client, you must file an entry of appearance or an entry of limited appearance. Rule 21.2, Rule 43.01(b).
14. Before contacting the Division with any questions, please check Case.net first.
15. 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.
16. 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.
17. Trials/Hearings
  - a. Arrive to court prior to the start time so issues may be addressed without inconveniencing the jury.
  - b. Have witnesses waiting and ready to proceed so the jury is not waiting.
  - c. During voir dire, jurors are referred to by number only.
  - d. The Court will ask the venire panel about hardships.
  - e. Do not block the court reporter's view of the panel while you are questioning the panel.
  - f. 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.
  - g. Do not block the Court's view of the jury with exhibits.
  - h. 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.
  - i. Counsel may approach the witness for any legitimate purpose without requesting permission.
  - j. No food or drink is allowed in the courtroom except for water unless you have a medical need.
  - k. 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.
  - l. 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.

18. If you intend to use exhibits or audio/visual materials in the courtroom, bring your own mechanisms to display/play them. The courtroom has a large screen you can use.
19. Please clean up and remove trash from the courtroom and witness rooms after your use.
20. You are welcome to come view the courtroom anytime.