



Supreme Court of Missouri en banc

June 30, 2017
Effective July 1, 2017

In re:

Revisions to "Protocols for Presiding Circuit Court Judges in Supervising
Municipal Division Judges."

ORDER

1. The attached revisions to Protocols for Presiding Circuit Court Judges in Supervising Municipal Division Judges are hereby adopted.
2. It is ordered that notice of this order be published in the Journal of The Missouri Bar.
3. It is ordered that this order be published in the South Western Reporter.

Day – to – Day

A handwritten signature in cursive script that reads "Patricia Breckenridge".

PATRICIA BRECKENRIDGE
Chief Justice

PROTOCOLS FOR PRESIDING CIRCUIT COURT JUDGES IN SUPERVISING MUNICIPAL DIVISION JUDGES

(a) To assist in the supervision of each circuit's municipal divisions, the presiding circuit judges are encouraged to invite each municipal division judge to attend at least one of the circuit's court en banc meetings each year.

(b) In fulfilling their obligation to supervise municipal divisions within their circuit, the presiding circuit judge shall:

(1) Adopt a circuit court rule governing the operation of its municipal divisions and reporting obligations from the municipal divisions to the presiding circuit judge;

(2) Provide education, support, and direction to the municipal divisions;

(3) Verify annually each municipal division's substantial compliance with applicable circuit rules and minimum operating standards; and

(4) Submit to the clerk of the Supreme Court of Missouri by February 1 and August 1 of each year each judge's executed minimum operating standards form referenced in Appendix A to rule 37.04 and to provide a list of any judges or divisions that did not return the form for the most recent reporting period.

(c) The presiding circuit judge has the authority to take prompt and appropriate action in regard to the municipal division itself, to the municipal judge, or both, as appropriate, if the annual review or other information brought to the attention of the presiding circuit judge indicates that the municipal division or judge is having difficulty substantially complying with the law and minimum operating standards. If the presiding circuit judge is unable to obtain substantial

compliance voluntarily or believes that the noted deficiencies are serious or continuing, he or she shall immediately give written notice to the clerk of the Supreme Court of Missouri of the identified noncompliance/deficiencies.

(d) The presiding judge, with the assistance of the clerk of the Supreme Court, shall prepare a plan for remediation of the identified concerns and, until the plan for remediation is fully implemented, shall keep the clerk apprised in writing, at least once every 60 days, of the municipal division's success in coming into substantial compliance with the plan.

(e) If the circumstances appear to the presiding judge or the clerk or judges of the Supreme Court to require more immediate and decisive action in the interests of justice, any or all of them may take appropriate action with regard to the noncompliant municipal division. By way of example, this could include directives for necessary changes in operations with appropriate deadlines for compliance; consultation with the governing authorities of the municipality; reassignment of all cases pending in the division to another judge or to multiple judges as may be necessary to handle the case load; suspension of the division's operations until sufficient remediation of the identified noncompliance/deficiencies has been accomplished; reporting the municipal judge to the appointing authority for that judge or to the Commission on Retirement, Removal and Discipline; or other appropriate action within the constitutional authority of the presiding circuit judge or the Supreme Court of Missouri.