



SUPREME COURT OF MISSOURI

en banc

June 29, 2018

Adoptions and Revisions to Rule 37 effective January 1, 2019

All other Adoptions, Revisions, Corrections, and Repeals effective July 1, 2018

In re:

(1) Adoption of a new subdivision 37.435, entitled "Statement of Probable Cause," of Rule 37, entitled "Statutory and Ordinance Violations and Violation Bureaus."

(2) Repeal of subdivision 37.14, entitled "Rules of Evidence Inapplicable;"
subdivision 37.17, entitled "Arrest Without Warrant;" subdivision (a) of subdivision 37.19, entitled "Modification of Conditions of Release;" subdivision (a) of subdivision 37.33, entitled "Violation Notice – Contents;" subdivision 37.34, entitled "Ordinance Violations – Information;" subdivision (b) of subdivision 37.35, entitled "Information – Form of – Contents;" subdivision 37.43, entitled "Ordinance Violation – Summons or Arrest Warrant – When Issued – Failure to Appear;" subdivision (c) of subdivision 37.49, entitled "Violation Bureau – Violations Clerk – Schedule of Fines – Payment;"
subdivision 37.53, entitled "Ordinance Violation Cases Not Heard on the Record – Disqualification and Change of Judge;" subdivision 37.57, entitled "Presence of Defendant – When Required;" subdivision (b) of subdivision 37.58, entitled "Pleas;"
subdivision (f) of subdivision 37.61, entitled "Trials – Issues of Fact – Jury –

Certification;" subdivision (h) of subdivision 37.62, entitled "Order of Trial;" subdivision 37.65, entitled "Fines Installment or Delayed Payments – Response to Nonpayment;" subdivision (b) of subdivision 37.71, entitled "Trial De Novo – Right – Time," and subdivision 37.73, entitled "Trial De Novo – Transmittal of Record," of Rule 37, entitled "Statutory and Ordinance Violations and Violation Bureaus," and in lieu thereof adoption of a new subdivision 37.14, entitled "Conditions of Release: Rules of Evidence Inapplicable;" a new subdivision 37.17, entitled "Arrest Without Warrant;" a new subdivision (a) of subdivision 37.19, entitled "Modification of Conditions of Release;" a new subdivision (a) of subdivision 37.33, entitled "Violation Notice – Contents;" a new subdivision 37.34, entitled "Ordinance Violations – Information;" a new subdivision (b) of subdivision 37.35, entitled "Information – Form of – Contents;" a new subdivision 37.43, entitled "Ordinance Violation – Summons or Arrest Warrant – When Issued – Failure to Appear;" a new subdivision (c) of subdivision 37.49, entitled "Violation Bureau – Violations Clerk – Schedule of Fines – Payment;" a new subdivision 37.53, entitled "Disqualification and Change of Judge;" a new subdivision 37.57, entitled "Presence of Defendant – When Required;" a new subdivision (b) of subdivision 37.58, entitled "Pleas;" a new subdivision (f) of subdivision 37.61, entitled "Trials – Issues of Fact – Jury – Certification;" a new subdivision (h) of subdivision 37.62, entitled "Order of Trial;" a new subdivision 37.65, entitled "Imposition and Payment of Fines, Fees, and Costs, and Contempt Proceedings;" a new subdivision (b) of subdivision 37.71, entitled "Trial De Novo – Right – Time," and a new subdivision 37.73, entitled "Trial De Novo – Transmittal of Record."

(3) Correction of order of June 12, 2018, repealing and adopting Minimum Operating Standard #10 of Appendix A, entitled "Minimum Operating Standards for Municipal Divisions and Municipal Division Judges – Annual Certification Requirement," to Rule 37.04, entitled "Supervision of Courts Hearing Ordinance Violations," of Rule 37, entitled "Statutory and Ordinance Violations and Violation Bureaus."

(4) Revisions to and adoption of "Protocols for Presiding Circuit Court Judges in Supervising Municipal Division Judges," as Appendix E to subdivision 37.04, entitled "Supervision of Courts Hearing Ordinance Violations," of Rule 37, entitled "Statutory and Ordinance Violations and Violation Bureaus."

(5) Repeal of Form 37D, entitled "Complaint," of Rule 37, entitled "Statutory and Ordinance Violations and Violation Bureaus."

ORDER

1. It is ordered that effective January 1, 2019, subdivision 37.435 of Rule 37 be and the same is hereby adopted to read as follows:

37.435 STATEMENT OF PROBABLE CAUSE

A statement of probable cause must be in writing and shall:

(a) State the name of the accused or, if not known designate the accused by any name or description by which the accused can be identified with reasonable certainty;

(b) State the date and place of the crime as definitely as can be done;

(c) State the facts that support a finding of probable cause to believe a crime was committed and that the accused committed it;

(d) If a warrant will be requested, state the facts, if any, that support a finding of reasonable grounds to believe the accused will not appear upon the summons or that the defendant poses a danger to a crime victim, the community, or any other person;

(e) State the facts contained therein are true;

(f) Be signed and on a form bearing notice that false statements made therein are punishable by law; and

(g) Shall accompany an information when an arrest warrant is sought.

2. It is ordered that effective January 1, 2019, subdivision 37.14; subdivision 37.17; subdivision (a) of subdivision 37.19; subdivision (a) of subdivision 37.33; subdivision 37.34; subdivision (b) of subdivision 37.35; subdivision 37.43; subdivision (c) of subdivision 37.49; subdivision 37.53; subdivision 37.57; subdivision (b) of subdivision 37.58; subdivision (f) of subdivision 37.61; subdivision (h) of subdivision 37.62; subdivision 37.65; subdivision (b) of subdivision 37.71, and subdivision 37.73 be and the same are hereby repealed and a new subdivision 37.14; a new subdivision 37.17; a new subdivision (a) of subdivision 37.19; a new subdivision (a) of subdivision 37.33; a new subdivision 37.34; a new subdivision (b) of subdivision 37.35; a new subdivision

37.43; a new subdivision (c) of subdivision 37.49; a new subdivision 37.53; a new subdivision 37.57; a new subdivision (b) of subdivision 37.58; a new subdivision (f) of subdivision 37.61; a new subdivision (h) of subdivision 37.62; new subdivision 37.65; a new subdivision (b) of subdivision 37.71, and a new subdivision 37.73 adopted in lieu thereof to read as follows:

37.14 CONDITIONS OF RELEASE: RULES OF EVIDENCE INAPPLICABLE

* * *

37.17 ARREST WITHOUT WARRANT

When an arrest is made without a warrant, the peace officer may accept bond within 24 hours of arrest in accordance with a bond schedule furnished by the court having jurisdiction. If the judge has not issued an arrest warrant within 24 hours of arrest, the peace officer shall release the accused from custody.

37.19 MODIFICATION OF CONDITIONS OF RELEASE

(a) Upon motion by the prosecutor or by the accused, or upon the court's own motion, the court in which the proceeding is pending may modify the requirements for release after notice to the parties and hearing when the court finds that:

(1) New, different, or additional requirements for release are necessary;

(2) The conditions for release that have been set are excessive;

(3) The accused has failed to comply with or has violated the conditions for the accused's release; or

(4) The accused has been convicted of the ordinance violation charged and sentenced to confinement.

* * *

37.33 VIOLATION NOTICE – CONTENTS

(a) A violation notice shall be in writing and shall:

(1) State the name and address of the court;

(2) State the name of the prosecuting county or municipality;

(3) State the name of the accused or, if not known, designate the accused by any name or description by which the accused can be identified with reasonable certainty;

(4) State the date and place of the ordinance violation as definitely as can be done;

(5) State the facts that support a finding of probable cause to believe the ordinance violation was committed and that the accused committed it;

(6) State that the facts contained therein are true;

(7) Be signed and on a form bearing notice that false statements made therein are punishable by law;

(8) Cite the chapter and section of the ordinance alleged to have been violated and the chapter and section that fixes the penalty or punishment;

(9) State other legal penalties prescribed by law may be imposed for failure to appear and dispose of the violation; and

(10) State the state-approved charge code if one exists.

* * *

37.34 ORDINANCE VIOLATIONS – INFORMATION

All ordinance violations shall be prosecuted by information. An information charging the commission of an ordinance violation may be based on the prosecutor's information and belief that the ordinance violation was committed. The information shall be supported by a violation notice or statement of probable cause as prescribed by Rule 37.

37.35 INFORMATION – FORM OF – CONTENTS

* * *

(b) The information shall:

(1) State the name of the defendant or, if not known, designate the defendant by any name or description by which the defendant can be identified with reasonable certainty;

(2) State plainly, concisely, and definitely the essential facts constituting the ordinance violation charged, including facts necessary for any enhanced punishment;

(3) State the date and place of the ordinance violation charged as definitely as can be done;

(4) Cite the chapter and section of the ordinance alleged to have been violated and the chapter and section providing the penalty or punishment; and

(5) Cite the state approved charge code if one exists.

37.43 ORDINANCE VIOLATION – SUMMONS OR ARREST WARRANT – WHEN ISSUED – FAILURE TO APPEAR

When an information charging the commission of an ordinance violation and a statement of probable cause are filed pursuant to Rule 37, a summons shall be issued unless the court finds that there are:

(a) Sufficient facts stated to show probable cause that an ordinance violation has been committed, and

(b) Reasonable grounds for the court to believe that the accused will not appear upon the summons, or a showing has been made to the court that the accused poses a danger to a crime victim, the community, or any other person.

If the court so finds, a warrant for the arrest of the accused may be issued.

37.49 VIOLATION BUREAU – VIOLATIONS CLERK – SCHEDULE OF FINES – PAYMENT

* * *

(c) The violations within the authority of the bureau shall be designated by order of the judge, but shall only include animal control violations, housing

violations, or traffic violations. Such designated violations may be amended from time to time but shall in no event include the following:

- (1) Any violation resulting in personal injury or property damage;
- (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or drugs;
- (3) Operating a vehicle with a counterfeited, altered, suspended, or revoked license;
- (4) Fleeing or attempting to elude an officer; and
- (5) Any other violation excluded by law.

* * *

37.53 DISQUALIFICATION AND CHANGE OF JUDGE

* * *

37.57 PRESENCE OF DEFENDANT – WHEN REQUIRED

(a) No trial shall be conducted or a plea of guilty entered unless the defendant is present, except the court, the prosecuting attorney, and the defendant may agree that the defendant need not be present.

(b) A verdict may be received by the court in the absence of the defendant when such absence is voluntary.

(c) If there is a record entry showing that the defendant was present at the commencement or at any stage of the trial, it shall be presumed, in the

absence of any record entry to the contrary, that he was present during the entire trial.

37.58 PLEAS

* * *

(b) Advice to Defendant. Except as provided by Rule 37.49 or Rule 37.57, before accepting a plea of guilty, the judge shall inform the defendant of the following:

(1) The nature of the charge to which the plea is offered, the mandatory minimum penalty provided by law, if any, and the maximum possible penalty provided by law; and

(2) The defendant's right to be represented by an attorney and that the judge will appoint an attorney for the defendant if defendant is indigent and if it appears to the judge that there would possibly be a jail sentence upon conviction; and

(3) That if defendant pleads guilty there will not be a trial of any kind, so that by pleading guilty the defendant waives the right to a trial, and

(4) The defendant's right to plead not guilty or to persist in that plea if it has already been made.

The judge shall further inform defendant of any right to a jury trial, the right to present witnesses on behalf of the defendant, that defendant has the right to confront and cross-examine witnesses against defendant, that defendant has the right to testify and that nobody can compel defendant to testify.

The judge shall determine whether the defendant understands, upon oral or written information provided, the matters presented.

* * *

37.61 TRIALS – ISSUES OF FACT – JURY – CERTIFICATION

* * *

(f) If the defendant files a written motion requesting to waive a jury trial and attaches a waiver of the right to a jury trial, the case shall be remanded to the municipal division for further proceedings unless the judge finds such remand would be unfair to the parties.

37.62 ORDER OF TRIAL

* * *

(h) The court may fix the length of time for arguments and shall announce it to counsel. The prosecutor shall make the opening argument, the attorney for the defendant shall make an argument, and the prosecutor shall conclude the argument. Each party may waive the right to argument.

* * *

37.65 IMPOSITION AND PAYMENT OF FINES, FEES, AND COSTS, AND CONTEMPT PROCEEDINGS

(a) *Judicial Inquiry as to Ability to Pay.* When a fine, fee, or cost is assessed, or thereafter any time a fine, fee, or cost is due, if the defendant is

unable to pay the amount then due, the judge shall inquire as to the defendant's ability to pay.

(b) *Defendant Has Ability to Pay But Unable to Pay When Assessed or Due.* If the judge finds the defendant has the ability to pay but is unable to pay the amount when assessed or due, the judge shall order a stay of execution on the payment and:

(1) Grant the defendant a specified period of time within which to pay the fine in full; or

(2) Provide for the payment of the fine on an installment basis under such terms and conditions as the judge may deem appropriate.

(c) *Defendant Has No Ability to Pay.* If the judge finds the defendant does not have the ability to pay the amount when assessed or due and is unable to acquire the resources to pay, the judge shall, after consideration of the violation, the defendant's financial circumstances, disabilities, driving restrictions, transportation limitations, and caregiving and employment responsibilities, impose alternative sanctions that may include, but are not limited to:

(1) Waiver or suspension of imposition of any fine, fee, or cost or of the amount previously assessed and due;

(2) Imposition of a lower amount of any fine, fee, or cost or reduction of the amount previously assessed and due;

(3) Community service in lieu of any fine, fee, or cost; or

(4) Court-approved programs, e.g., driver skills, education, job skills, mental health or drug treatment in lieu of any fine, fee, or cost.

(d) *Show Cause Order Requirements.* When a defendant defaults in the payment of the fine, fee, or cost or fails to perform an ordered alternative sanction, the judge may issue an order to show cause for criminal contempt consistent with the due process requirements of Rule 36.01(b) on the motion of the prosecuting attorney or on the judge's own motion. The order to show cause for criminal contempt shall include:

(1) The hearing date, time and location;

(2) The total amount claimed past due or alternative sanction ordered but not performed;

(3) Notice to the defendant that:

(i) If the show cause order was issued for failure to pay, the judge shall evaluate the defendant's ability to pay at the hearing and the defendant should bring any documentation or information the judge should consider in determining ability to pay;

(ii) If the defendant is unable to pay the defendant can request a payment alternative, including, but not limited to, community service and/or a reduction of the amount due;

(iii) The defendant may have the right to have counsel appointed if indigent; and

(iv) Incarceration for failure to pay may result only if alternative measures are not adequate to meet the state's interest in punishment and deterrence or the judge finds the defendant had the ability to pay and willfully failed to do so.

(e) *Summons*. The court shall issue a summons for the defendant's appearance on the order to show cause unless the defendant has previously failed to appear at a prior court date in the case. The summons shall have the order to show cause attached and may be served by the clerk mailing it to the defendant's last known address by first class mail. In the event the defendant has previously failed to appear or fails to appear on the summons, the court may issue a warrant to secure the defendant's appearance for a hearing on the order to show cause. Defendant is entitled to be conditionally released as provided in these rules.

(f) *Incarceration after Hearing and Written Findings*. A judge may not incarcerate the defendant for nonpayment of a fine, fee, or cost unless the judge holds a hearing, with adequate notice to the defendant, and makes one of the following written findings:

(1) The failure to pay was not due to an inability to pay but was willful or due to a failure to make bona fide efforts to pay; or

(2) The failure to pay was not the fault of the defendant and alternatives to imprisonment are not adequate in the circumstances of the case to meet the state's interest in punishment and deterrence.

(g) *Contempt Order, Punishment.* If following the show cause hearing the judge makes written findings:

(1) that the defendant was given adequate notice of the hearing as required by this rule,

(2) that the defendant had the opportunity to be represented by counsel and a reasonable time to prepare a defense,

(3) that the defendant had a meaningful opportunity to present evidence and argument at the hearing, and

(4) setting out the essential facts constituting the contempt, the judge may impose punishment for failure to pay, including imprisonment for a term not to exceed 30 days when findings are made as required by (f) of this rule. The judge may provide in the order that payment or satisfaction of the amount due at any time will entitle the defendant to release from imprisonment or, after entering the order, may at any time reduce the sentence for good cause shown, including payment or satisfaction of the amount due. If the judge finds the defendant's failure to comply with an order for an alternative sanction was willful, the judge may impose punishment for criminal contempt as authorized by law.

(h) *Collection of Amount Due Following Failure to Pay.* Upon default in the payment of an amount due or any installment thereof, the amount due may be collected by any means authorized by law for the enforcement of money judgments.

37.71 TRIAL DE NOVO – RIGHT – TIME

* * *

(b) An application for trial de novo shall not be granted after the defendant satisfies any part of the penalty and costs of the judgment, unless costs were paid after imposition of sentence was originally suspended.

37.73 TRIAL DE NOVO – TRANSMITTAL OF RECORD

When an application for trial de novo is filed, the clerk shall transmit the duly certified record to the clerk of the division designated to hear ordinance violations de novo within 15 days of receipt. The failure of the clerk to transmit the record shall not affect the defendant's trial de novo.

3. By order of June 12, 2018, this Court adopted a new Minimum Operating Standard #10 of Appendix A to Rule 37.04 of Rule 37 to be effective July 1, 2018. The Court hereby corrects the order so that, as corrected, effective July 1, 2018, Minimum Operating Standard #10 of Appendix A to Rule 37.04 shall read as follows:

37.04 SUPERVISION OF COURTS HEARING ORDINANCE VIOLATIONS

* * *

Appendix A
Minimum Operating Standards for Municipal Divisions
and Municipal Division Judges – Annual Certification Requirement

* * *

Minimum Operating Standard # 10: Municipal divisions shall be well-managed and accountable to the law, with appropriate oversight of municipal division operations provided by the circuit court presiding judge of the judicial circuit.

◆ Generally

- The municipal division has a functional clerk's office that organizes and preserves the judicial records of the municipal division in a prudent and organized manner and in compliance with applicable laws and supreme court rules.
- The municipal division has a functional clerk's office that handles bookkeeping and money handling obligations of the municipal division in a prudent and organized manner and in compliance with the current recommendations of the Office of State Courts Administrator and the Missouri state auditor.
- The municipal division has certified substantial compliance with section 479.360.1(1-10), RSMo, and provided signed certification to the governing body in compliance with the state auditor's rules and procedures. Section 479.360.1 and .2, RSMo.
- The municipal division provides to the municipality adequate information for the municipality to determine excessive revenue calculations to the state auditor. Section 479.359, RSMo.
- The municipal division had educated its personnel on the requirements of Rule 37.04, Appendix B, "Code of Conduct for Municipal Division Personnel."
- The municipal division shall notify the Presiding Judge of the Circuit the following information:
 - Names of any substitute, provisional, or *pro tem* judges who serve in the municipality.
 - Address where municipal division is held.
 - Dates and times where municipal division court is held.
 - Municipal division phone number.
 - Municipal Judge's contact phone number.
 - Municipal Judge's email address.
 - Clerk's or administrative assistant's email address.

◆ Chapter 479, RSMo

- If holding administrative hearings, the municipal division is authorized to do so. Section 479.011.1, RSMo.

- Judge serves as a judge in no more than five municipalities. Section 479.020.9, RSMo.
- Judge's are under the age of 75 years. Section 479.020.7, RSMo.
- Municipality has notified circuit clerk of the municipal division's existence. Section 479.030.1, RSMo.
- Nonjudicial personnel have been provided to ensure proper functioning of the municipal division. Section 479.060.1, RSMo.
- Fines and costs collected are paid into the municipality's treasury at least monthly. Section 479.080.1, RSMo.
- A written policy for reporting intoxication-related traffic offenses to the central repository has been **adopted** and **provided** to OSCA and the highway patrol. Section 479.172.1 and 2.
- Semiannual disposition report of intoxication-related traffic offenses is provided to the circuit court *en banc*. Section 479.172.3, RSMo.

◆ Open Records and Other Recordkeeping Matters (Article I, § 14, Constitution of Missouri; Court Operating Rules 2, 4 and 8; sections 483.065, 483.075, 483.082, RSMo)

- The municipal division maintains complete and accurate records of municipal division proceedings, including warrants outstanding, bonds posted, case files and dispositions.
- The municipal division ensures that the proper disposition of all cases is documented on the municipal division dockets or backer sheets and that all municipal division dockets or backer sheets are signed by the municipal judge, if required by law.
- The municipal division ensures that an information signed by the prosecuting attorney is filed for each ordinance violation to be prosecuted. In addition, the municipal division ensures that the prosecuting attorney signs all tickets and reviews and approves all amended and dismissed tickets.
- The municipal division ensures that the proper disposition of cases is documented in manual and electronic records and sufficient documentation is maintained to support all case actions.
- The municipal division has established procedures to generate monthly reports of municipal division activity, and the municipal division submits these reports timely to OSCA and to the city in accordance with COR 4.28 and 4.29.

- The municipal division regularly backs up computer data and ensures it is stored in a secure off-site location and its recovery is tested on a regular, predefined basis.
- The municipal division requires unique user identifications and passwords for each employee and passwords that are confidential and periodically changed. The municipal division ensures that user access is periodically reviewed and unnecessary access, including that of terminated users, is removed timely as well as reviews user access to data and other information resources to ensure access rights are commensurate with current user job responsibilities.

◆ **Financial and Bookkeeping (section 483.075.1, RSMo)**

- The municipal division segregates accounting duties to the extent possible. If it is not possible to segregate duties, the municipal division ensures that documented periodic independent or supervisory reviews of municipal division records are performed.
- The municipal division ensures that accurate records are maintained to account for all payments received and deposited, receipts are posted accurately and timely, and the method for payment is indicated on all receipts. Checks and money orders are endorsed immediately upon receipt. Additionally, if manual receipts are in use, the municipal division ensures that manual receipt slips are timely entered in the computerized system and the numerical sequence of manual receipt slips is accounted for properly. In addition, the municipal division ensures that voided transactions are properly documented and approved.
- The municipal division reconciles the composition of receipts to the composition of deposits, and deposits all monies intact and timely.
- The municipal division performs monthly bank reconciliations, resolves reconciling items, and makes appropriate, documented adjustments to accounting records timely.
- The municipal division prepares monthly lists of liabilities and reconciles the lists to the bank account and/or city fund balance, promptly investigates and resolves differences, and has established procedures to review the status of liabilities to determine the appropriate disposition of funds held.
- The municipal division has developed procedures to ensure the monthly distributions are properly calculated and disbursed timely.

- The municipal division has established procedures to routinely generate and review the accrued costs list for accuracy and properly follows up on all amounts due.
- The municipal division obtains signed payment plans from all defendants and ensures payment plans are established in the case management system in accordance with court operating rules where applicable.
- The municipal division ensures that adequate documentation is maintained to support all adjustment transactions and ensures that an independent review and approval of these transactions is performed and documented.
- The municipal division maintains the change fund at an established amount and periodically counts and reconciles the monies on hand to the authorized balance.
- The municipal division maintains bond coverage or employee theft coverage for all personnel with access to municipal division monies.
- The municipal division ensures that all bond receipts are recorded and deposited timely and intact.
- The municipal division has developed procedures and records to identify applicable violations and the associated fines and court costs revenues for the purposes of the revenue calculations required by section 479.359, RSMo, et seq, and the municipal division provides this information to the city.

◆ **Trial *de novo* Procedure**

- When a case record is certified to the circuit court upon filing of a request for trial *de novo*, all funds received in connection with the case, any bonds, and the record are transferred within 15 days.
- Once a case has been certified to circuit court, the municipal division does not act on that case unless and until the case is remanded back to that municipal division.

Certification of Compliance with Minimum Operating Standards

◆ **Principal/Chief Judge**

By September 1 of each year, the municipal judge in each municipality with one regular municipal judge, or the chief municipal judge in municipalities with more than one municipal judge, subject to the

exceptions listed below, shall certify to the Office of State Courts Administrator compliance with **all** minimum operating standards.

This certification must be made personally by the judge, and not by a clerk, court administrator, or other personnel. This certification shall be submitted in an electronic format as designated by the Clerk of the Supreme Court of Missouri, and shall include the following electronic attachments:

- * Semiannual disposition report of intoxication-related traffic offenses provided to the circuit court *en banc* pursuant to section 479.172, RSMo;

- * Executed substantial compliance certification form, section 479.360.1(1-10), RSMo; and

- * CLE compliance form, Rule 18.

In consolidated municipal courts which serve more than one municipality, a separate certification must be filed for each municipality served.

♦ **Non-principal/non-chief judge**

By September 1 of each year,

- * in municipalities with more than one municipal judge, each regular municipal judge other than the chief municipal judge, and

- * in all municipal divisions, each substitute, provisional, part-time, and *pro tem* municipal division judge, subject to the exceptions listed below, shall certify to the Office of State Courts Administrator that the individual judge is in compliance with Minimum Operating Standards 1B, 2, 3, 4B, 5B, and 9. This certification must be made personally by each individual non-principal/non-chief judge, and not by a clerk, court administrator, or other personnel. This certification shall be submitted in an electronic format as designated by the Clerk of the Supreme Court of Missouri, and shall include the following electronic attachment:

- *CLE compliance form, Rule 18.

Exceptions: Certification of Compliance with Minimum Operating Standards shall not be required of associate circuit judges presiding over municipal division cases for municipalities which have elected to have their cases heard by the associate division of the circuit court, special judges sitting temporarily by assignment from the Supreme Court of Missouri, or special judges sitting by assignment from the presiding judge of the circuit. (The exception for associate circuit judges applies only to associate circuit judges hearing municipal division cases at the state circuit court. An associate circuit judge who hears municipal division cases by agreement in a freestanding municipal division is required to file the same certification as would be required of a municipal judge.)

Within one month after each reporting cycle, the Office of State Courts Administrator shall provide the presiding circuit judge of the judicial circuit with

the results of its municipal division judges' certifications. Subject to the exceptions above, the presiding circuit judge shall be responsible for ensuring that: each municipal division and the principal municipal division judge is in compliance with all minimum operating standards and each municipal division judge other than the principal municipal division judge is in compliance with minimum operating standards 1B, 2, 3, 4B, 5B, and 9.

4. It is ordered that effective July 1, 2018, the Protocols for Presiding Circuit Court Judges in Supervising Municipal Division Judges is hereby revised and adopted as Appendix E to subdivision 37.04 of Rule 37 to read as attached.

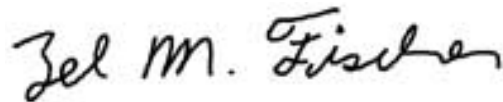
5. It is ordered that effective July 1, 2018, Form 37D of Rule 37 be and the same is hereby repealed.

6. It is ordered that notice of this order be published in the Journal of The Missouri Bar.

7. It is ordered that this order be published in the South Western Reporter.

8. The state courts administrator shall furnish a copy of this order to each circuit court presiding judge, each municipal division court judge, each municipal division court clerk, and such other persons as she may direct.

Day – to – Day



ZEL M. FISCHER
Chief Justice