

RULES OF THE KANSAS CITY MUNICIPAL DIVISION OF THE 16TH JUDICIAL CIRCUIT COURT OF MISSOURI

PREFACE

The Kansas City Municipal Division of the 16th Judicial Circuit Court of Missouri has exclusive original jurisdiction to "hear and determine" all violations of Kansas City, Missouri ordinances arising within the legal geographical limits of the city and upon all city property. The Rules adopted by the Court en banc of this Municipal Division will be as outlined herein and in Supreme Court Rule 37, Sixteenth Judicial Circuit Rule 69, and Chapter 479 RSMo.

The nine (9) divisions of the Kansas City Municipal Division are housed on the second and third floors in the City's Municipal Court Building, 1101 Locust Street, Kansas City, Missouri 64106. The Court's Traffic Violations Bureau, General Violations Bureau, and Administrative Office are housed in the same building on the first floor and are supervised by the Court Administrator, Anthony Miller, Telephone 816-513-3818.

JUDICIAL AUTHORITY

Pursuant to Article V of the Missouri Constitution and the Court Reform and Revision Act of 1978, the following rules are to be known as "Rules for the Kansas City Municipal Division of the 16th Judicial Circuit Court of Missouri" and are hereby adopted effective August 18, 2010 and supersede any provision, rule, or custom heretofore promulgated, practiced, or existing.

Pursuant to §301 of Article 3 of the City Charter of Kansas City, Missouri (The Charter), the judicial power of the city shall be vested in the Kansas City Municipal Division of the Circuit Court, sometimes known as the Municipal Court. The Kansas City Municipal Division shall act through the Court *en banc*. The City Council may provide for service by senior judges to assist the Court.

Pursuant to §303 of Article 3 of The Charter and Chapter 479 RSMo., the Court shall exercise all powers authorized by law, including but not limited to issuing subpoenas, subpoenas *duces tecum*, writs of attachment and warrants, including administrative inspection or search warrants; enforcing its processes and orders, and appointing officers for the purpose of executing and processing executions and other processes issued by the court; summoning and compelling the attendance of witnesses; and adopting rules of practice and procedure.

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RULE 1 LOCAL COURT RULES

1.1 PUBLICATION

These rules shall be printed and published in conformance with Administrative Rule No. 6 of the Missouri Supreme Court and made available to all members of the Bar and other interested parties. Public notice of these rules shall be given within Kansas City, Missouri. Copies shall be supplied to the Presiding Judge of the 16th Circuit and the Chief Justice of the Missouri Supreme Court.

1.2 AMENDMENT

These rules may be amended by a majority of all full time Municipal Judges of this court voting at a meeting called for that purpose.

RULE 2 JURISDICTION AND DIVISIONS OF COURT

2.1 JURISDICTION -- GENERAL

The Court shall have jurisdiction of all cases arising under the Charter or any ordinance of the City of Kansas City, Missouri and all such other jurisdiction as is or may be hereafter conferred by law.

2.2 JURISDICTION – ALCOHOL RELATED OFFENSES

In all cases involving charges that the defendant has committed an intoxication related traffic offense, the City Prosecutor or his/her assistant, shall affirm, by his/her signature affixed to the information charging said offense, that a good faith investigation has been conducted determining that the case is cognizable by this Court pursuant to §479.170 RSMo.

2.3 DIVISIONS OF THE KANSAS CITY MUNICIPAL DIVISION

There are eight full time divisions of the Kansas City, Missouri, Municipal Division of the 16th Judicial Circuit Court. The current judges have been appointed or elected to each division by number as follows:

Judge	Division
Michael R. McAdam	201
Joseph Locascio	202
Leonard S. Hughes III	203
John B. Williams	204
Ardie Bland	205
Katherine Bromfield Emke	206
Anne J. LaBella	207
Elena M. Franco	208

There is one part time limited jurisdiction division which shall hear exclusively cases arising under ordinances of the City concerned with residential and nonresidential property maintenance, nuisances, zoning, land use, fire prevention and protection, building codes, hazardous or toxic substances.

A. Wayne Cagle	209
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2.4 DISTRIBUTION OF WORK

The work of this Municipal Division shall be assigned and distributed as equally as practicable among the full time operating divisions of the Court so as to provide for the efficient and effective disposition of the public's court business.

RULE 3 COURT SCHEDULE

3.1 CLERK'S OFFICE

The clerk's office is open five days a week, 8:00 a.m. to 5:00 p.m., Monday through Friday, except for holidays, for the purpose of filing papers in the Court Administrator's office and for disposing of designated cases in the Court's Traffic and General Violations Bureau.

3.2 COURT DOCKETS

There shall be six dockets scheduled for each of the full time operating divisions of the Court commencing at 9:00 a.m., 10:00 a.m., 11:00 a.m., 1:30 p.m., 2:30 p.m. and 3:30 p.m.

Division 209, Housing Court, will have dockets scheduled at 12:30 p.m., 1:30 p.m., 2:30 p.m., and 3:30 p.m. on Friday afternoons and otherwise as ordered by the Presiding Judge.

3.2.1 SUSPENSION OF RULE 3.2

Rule 3.2 may be suspended or temporarily modified by order of a majority of the Division's Court en Banc.

3.2.2 PUBLIC HOLIDAYS

The Court will observe those public holidays designated by Kansas City, Missouri officials.

3.2.3 SATURDAY COURT

The video arraignment docket shall be held Saturday mornings and heard by a division designated pursuant to a rotation schedule. Cases written by Kansas City Police Department's Reserve Officers may also be heard by the designated division immediately following the conclusion of or during the arraignment docket.

RULE 4 PLEADINGS

4.1 CAPTION

The Court designation in the caption of pleadings filed shall be solely "In the 16th Judicial Circuit Court of Missouri, Kansas City Municipal Division". Each person named as a party, but not represented by an attorney, and each attorney filing motions or other related case pleadings on behalf of a named party (except personal affidavits), shall sign his/her name, address and telephone number, even if an officer of a corporation, foreign or domestic. Names shall be legibly typed, printed, or stamped beneath all signatures on papers to be filed or served.

The attorney whose signature and Missouri Bar number is affixed to the pleading, entry, motion, or paper shall be deemed to be the trial attorney in the case and shall remain so pursuant to Rule 4 of the Missouri Revised Statutes.

4.2 STYLE

Except for the "Information" form (prosecuting instrument), amendments thereto, and other Court approved and adopted forms, all motions and papers filed in any cause shall be prepared in accordance with Rule 37.

RULE 5 FINES AND COSTS

5.1 WAIVER OF COSTS

The Presiding Judge of this Municipal Division and the judge to whom a case may have been assigned shall have authority upon appropriate application, for good cause shown, including indigence, to waive all or any part of fees and authorized costs as may appear warranted under the circumstances.

5.1.2 TIME TO PAY FINES AND COURT COSTS

When a fine is assessed for violation of an ordinance, it shall be within the discretion of the judge assessing the fine to provide for the payment of the fine on an installment basis under such terms and conditions as the judge may deem appropriate.

RULE 6 ASSIGNMENT OF JUDGES, CASES, AND TRANSFER OF CASES

6.1 ASSIGNMENT OF JUDGES

Each judge shall receive and retain jurisdiction of all matters originally docketed in his/her division, except as provided herein.

6.2 ABSENCE OF JUDGES

6.2.1 NON-SPECIALIZED COURT DOCKETS

When cases on the daily docket of a judge who is absent require reassignment, the same shall be reassigned by the Presiding Judge to another division judge or judges, and jurisdiction shall attach without the need of a written order. Jurisdiction shall include full judicial authority over matters previously acted upon by the absent judge including continuances, probation hearings and violations, bond forfeitures, and warrants. The cases shall be reassigned to the "low" division for each scheduled docket time. After a case is reassigned to the "low" division, the judge may keep jurisdiction of the case or continue it to the originally docketed division.

6.2.2 DOMESTIC VIOLENCE DOCKETS

When the division assigned to the Domestic Violence Docket is absent, the domestic violence docket shall be assigned to a division scheduled to hear those cases pursuant to a six month DV rotation schedule beginning January 1st and July 1st of each year. The schedule shall be provided to the judges no later than December 15st and June 15th of each year. Jurisdiction shall attach without the need of a written order and shall include full judicial authority over matters previously acted upon by the absent judge including, continuances, probation hearings and violations, bond forfeitures, and warrants.

6.2.3 OTHER SPECIALIZED DOCKETS.

When the division assigned to any specialized docket (including, but not limited to Mental Health Court, Drug Court, Veterans Court, and Housing Court) is absent, those cases shall be reassigned by the Presiding Judge for hearing, or continued to a date in the future to the respective specialized division.

6.3 ABSENCE OF PRESIDING JUDGE

The Presiding Judge shall appoint one of the judges of this Municipal Division as Presiding Judge Pro Tem to act during his/her absence. If the Presiding Judge shall have failed to so appoint a Presiding Judge Pro Tem, or if the judge so appointed shall also be absent or unable to act on any given day, the senior full time judge by length of service, present on the court premises, shall act as Presiding Judge Pro Tem.

6.4 TRANSFER AND REASSIGNMENT OF CASES

A judge may transfer a matter docketed in his/her division to another division, pursuant to these rules.

6.4.1 ADD ONS

Between the hours of 8:30 a.m. and 3:00 p.m., and upon application by a party, a non-scheduled case may be added to a division's docket. Open cases shall be added to the division in which that case is originally assigned. If the originally assigned division is absent, the cases shall be added to the docket in the division hearing the absent judge's docket pursuant to Rule 6.2. Probation violations shall be added to the division issuing the original judgment. If the issuing division is absent, the case shall be sent to the Presiding Judge. Cases scheduled for a specialized docket shall be added to the respective specialized division. If the specialized division is absent, the cases shall be sent to the Presiding Judge.

6.4.2 MULTIPLE CASES – CONSOLIDATION

Cases may only be consolidated in the following manner:

- (1) The Presiding Judge may consolidate multiple charges pending against the same defendant to a single division for hearing either upon motion by a party or upon the Court's own motion.
- (2) An attorney may make application to the Presiding Judge to consolidate cases of multiple defendants to a future docket for final disposition.
- (3) In all instances involving multiple charges pending against the same defendant in several divisions, a party may make application for consolidation to one division by requesting transfer to a single division at the discretion of each judge to whom the various cases have been previously assigned.

RULE 7 WITHDRAWAL OF PAPERS FROM CLERK'S OFFICE

7.1 WHEN ALLOWED

No official court file shall be removed from the office of the Court Administrator of the Municipal Division or any division clerk except in the custody of employees or judges of this court.

7.2 DUPLICATING POLICY

Requests for copies of court records should be directed to the Court Administrator, who shall furnish copies of such records as are authorized by law upon payment of prescribed fee.

RULE 8 PUBLICATION OF DOCKETS

8.1 TRIAL DOCKET

The Court Administrator shall cause to be prepared a daily electronic docket of all ordinance violation cases scheduled to be heard in division. Printed dockets may also be generated.

RULE 9 COURTROOMS

9.1 COURTROOM DECORUM AND DRESS

Attorneys and court officials shall be properly attired in keeping with the dignity of the profession and seriousness of proceedings, except judicial discretion may be exercised in extreme conditions. Defendants must be properly attired. The judge will determine the meaning of proper attire.

Judicial robes shall be worn by all judges of the municipal court when holding court.

9.2 WHO IS PERMITTED WITHIN BAR

During the hearing of any case, no person, including members of litigant's families shall be permitted within the bar of the courtroom proper, other than attorneys connected with the case, court personnel, litigants, and witnesses called to testify, except with the court's approval in division.

9.3 BAIL BONDSMEN, SURETIES, AGENTS CONDUCT

- (1) No bail bondsmen, surety, or his/her licensed agent shall transact business with non-court personnel inside the courtroom.
- (2) No bondsmen, surety, or his/her licensed agent shall address the court "in session" respecting any defendant unless requested to do so by the judge, or in case of a surrender of a defendant in open court. No bondsmen, surety, or his/her licensed agent shall call aloud the name of any defendant, under bond, scheduled to appear on the day's docket either in the courtroom or while in adjoining areaways adjacent to the courtroom.

9.4 WITNESS OATH

Witnesses shall be sworn in near the bench by the division clerk or the judge prior to testifying.

RULE 10 RECORDING OF JUDICIAL PROCEEDINGS

All persons, except those authorized in advance by the court to record proceedings, shall be prohibited from broadcasting, televising, recording, transcribing, or taking photographs in the courtrooms, and in the corridors and stairways adjacent thereto.

RULE 11 ATTORNEYS

11.1 ENTRIES OF APPEARANCE

Any attorney retained on behalf of a defendant to appear in court on any case pending shall promptly file a written entry of appearance, to include the attorney's name, address, phone number, Missouri Bar number, date of entry and case number. (Rule 4 of Mo. Supreme Court)

11.2 NON-RESIDENT ATTORNEYS

Non-resident attorneys in good standing in their state of residence, not licensed to practice law in this state, may be recognized as attorneys by this court and may participate in any particular case, but only if they first associate

with a local "attorney of record" in such action authorized to practice law in this state.

11.3 CONDUCT OF ATTORNEYS

11.3.1 WITNESS EXCLUSION

Motions to separate or exclude witness pursuant to common law rule (referred to as "The Rule"), in any case must be made in advance of the commencement of a court hearing.

11.3.2 WITNESS EXAMINATION

Only one attorney shall examine a witness in chief and only one attorney shall cross-examine said witness for the opposing party, unless there are separate defendants represented by separate counsel, and their cases are consolidated for trial, in which case each party's attorney may examine accordingly. Counsel for witness, not a party to the proceedings, shall not be permitted to examine or cross-examine any witness or party.

11.4 WITHDRAWAL OF ATTORNEYS

Any attorney who desires to withdraw as attorney of record for any party to any action pending in this court shall comply with Supreme Court Rule No. 4, of Rules of Professional Conduct, Rule 4-1.16.

No attorney shall add on a case for the purpose of seeking leave to withdraw unless the defendant is present and consents, or has been notified in writing seven (7) days prior to the hearing.

11.5 FAILURE OF ATTORNEYS TO ANSWER DOCKET CALL

When a defendant appears at his/her scheduled court date, and the attorney does not, absent prior notice to the court, the court may continue the case or upon defendant's request, allow the case to proceed. The Court may order an attorney to show cause why contempt should not be found and sanctions imposed.

11.6 APPOINTMENT OF ATTORNEYS

Pursuant to Rule 37.50, if a person charged with an ordinance violation whose conviction would possibly result in confinement, shall be without counsel upon a first appearance before a judge, it shall be the duty of the judge to advise the defendant of the right to counsel and of the willingness of the judge to appoint counsel to represent the defendant if the defendant is unable to employ counsel. Upon a showing of indigency, it shall be the duty of the judge to appoint counsel to represent the defendant.

If, after being informed of the right to counsel, the defendant requests to proceed without the benefit of counsel and the judge finds that the defendant has knowingly, voluntarily and intelligently waived the defendant's right to counsel, the judge shall have no duty to appoint counsel. If at any stage of the proceedings it appears to the judge before whom the matter is then pending that because of the gravity of the ordinance violation charged and other circumstance affecting the defendant the failure to appoint counsel may result in injustice to the defendant, the judge shall then appoint counsel. Appointed counsel shall be allowed a reasonable time in which to prepare the defense.

11.7 AGREEMENT OF ATTORNEYS

No private or prior stipulation or agreement between parties or attorneys in a pending case will be recognized unless made in writing.

RULE 12 DISCOVERY

Discovery shall be permitted solely in the discretion of the division judge pursuant to Rule 37.54. Willful failure to comply with a discovery order may subject counsel to sanctions.

RULE 13 PRE-TRIAL MOTIONS

All pre-trial motions shall be heard before trial unless deferred by the court. Copies of written motions shall be served to each party and service shall be certified.

RULE 14 CONTINUANCES

The court may grant a continuance requested in court to either party for good cause shown. It shall be the sole responsibility of the respective parties to notify witnesses not present.

RULE 15 DOCKETING

15.1 DOCKET CALL

At the commencement of each division court session, the division clerk or the judge, in open court, shall call aloud each defendant's name until the entire docket of cases for the session has been called. Upon the call of his/her name, each defendant shall indicate his/her intention to plead guilty, not guilty, or request the case be continued. The judge in division shall determine the order in which cases are called before the judge.

Should the prosecutor, in division, determine to nolle-pros cases on the court's daily docket, he/she shall inform the court at such time and record an appropriate entry of such action on the "information" in the space provided.

Motions to re-docket cases in warrant or bond forfeiture status shall be entertained in the division where the warrant or forfeiture order was entered, or, in absence of the issuing judge, in the division the dockets have been assigned, or by the Presiding Judge.

15.2 SPECIAL SETTINGS

Whenever the court determines that the disposition of a matter will necessitate a lengthy hearing, the court may continue it to a date and at an hour certain on the special trial setting calendar. Once a special setting has been docketed in a division, that division judge will retain the case unless reassigned by the Presiding Judge.

RULE 16 COURT EN BANC

16.1 MEETINGS OF THE COURT EN BANC

The Court en Banc shall meet regularly as needed. A Special Meeting may be called by the Presiding Judge or upon the written request of a majority of the judges at a time and place designated by the Presiding Judge.

16.2 QUORUM - TRANSACTION OF BUSINESS

A quorum of the Court en Banc shall exist when there is present at such meetings a majority of all judges. Majority vote of the Court en banc shall be necessary for the approval of any motion. Proxy voting is not allowed pursuant to §610.015 RSMo.

16.3 NOTICE OF MEETINGS

Notice of meetings of the Court en banc shall be in accordance with §610.020. RSMo. Notice to judges shall be in accordance with §2-1411 Kansas City Code.

16.4 AGENDA FOR REGULAR MEETINGS

The Presiding Judge shall cause to be prepared an itemized agenda prior to the meeting. Prior to a regular meeting, any of the full time judges may add an agenda item for a Court en banc meeting. Any part time judge may request of the Presiding Judge that items that are relevant to his/her position as a part time judge be included on the proposed agenda.

RULE 17 PRESIDING JUDGE

17.1 ELECTION

- (a) A majority of all Kansas City Municipal Division Judges meeting en Banc shall elect, by roll call, one among the full time judges as Presiding Judge prior to December 31 each year.
- (b) Upon election by the Court en Banc, the Presiding Judge shall immediately designate future regular operating divisions of the court for

the ensuing year and inform the Court Administrator accordingly. The Presiding Judge shall assume duties January 1 following election. The Presiding Judge shall designate and assign to each judge in designated regular operating divisions, six daily dockets so as to arrange, classify, and equally distribute the business of the court.

- (c) He/She shall not assign daily dockets to himself except temporarily in the absence of judges assigned regular operating division dockets. Instead, he/she shall hear and determine such cases as he/she shall assign to his/her own division, and shall aid the other judges, as may be consistent with performance of his/her administrative duties as Presiding Judge. In all other matters, he/she shall be bound to follow all Court en Banc adopted court operating procedures and plans. He/She shall sign all Court en Banc orders approved by the Court en Banc, and such orders shall take effect as though signed by each judge separately; a copy of any such order shall be provided each judge and the Court Administrator of this Municipal Division, to be retained as part of the Court en Banc's minutes.

17.2 DUTIES OF PRESIDING JUDGE

- (a) Assign cases to the various divisions;
- (b) Preside at all Court en Banc meetings;
- (c) Appoint and supervise needed committees;
- (d) Review and approve court's budget;
- (e) Handle media and government contacts;
- (f) Develop for Court en Banc approval standardized procedures among divisions;
- (g) Coordinate with the Court Administrator the overall functioning of the court.;
- (h) Handle all matters requiring immediate judicial attention;
- (i) Conduct cases set on the video arraignment docket;
- (j) Assign the case dockets of absent judges;
- (k) Assign transfers by other division judges on a motion sustained for change of judge from them;
- (l) Assign cases transferred by other division in order to equalize division dockets;
- (m) Hear cases transferred, added, changed, or scheduled before the Presiding Judge;
- (n) Determine whether a judge's absence from court is pursuant to court business.

17.3 TERM

The Presiding Judge of the Kansas City Municipal Division shall serve a term of one year commencing January 1 immediately following his/her election. He/She shall be eligible to succeed himself in such office.

17.4 REMOVAL - HOW

The Presiding Judge of the Kansas City Municipal Division may be removed from such position during his/her term by a majority vote of all judges of the Kansas City Municipal Division.

RULE 18 COURT ADMINISTRATOR

In the performance of his/her duties, the Court Administrator shall carry out strictly the policies set by the Court en Banc as administered by the Presiding Judge. The Court Administrator shall be immediately responsive to the Presiding Judge in all matters relating to the discharge of his/her duties.

The Court Administrator shall confer with the Presiding Judge upon any request made by a judge which he/she considers to be extraordinary duties of court personnel.