

Supreme Court Rule Changes

The Supreme Court, in an order dated May 20, 2008, repealed subdivision (d) of subdivision 5.29, entitled “Unauthorized Practice of Law,” of Rule 5, entitled “Complaints and Proceedings Thereon,” and adopted a new subdivision (d) of subdivision 5.29, “Unauthorized Practice of Law.”

This order was effective May 20, 2008.

The complete text of the order may be read in its entirety at www.courts.mo.gov.

In an order dated May 20, 2008, the Supreme Court of Missouri repealed subdivision 8.10 (Admission Without Examination) of Rule 8, entitled “Admission to the Bar,” and in lieu thereof adopted a new subdivision 8.10 (Admission Without Examination) and a new paragraph 5 of the Regulations of the Board of Law Examiners.

This order became effective July 1, 2008.

The complete text of the order may be read in its entirety at www.courts.mo.gov.

The Supreme Court of Missouri, in an order dated June 23, 2008, repealed subdivision 4-1.2, entitled “Scope of Representation,” and the Comment thereto, of Rule 4 (Rules of Professional Conduct), and adopted a new subdivision 4-1.2, entitled “Scope of Representation,” and the Comment thereto.

This order became effective July 1, 2008.

The complete text of the order may be read in its entirety at www.courts.mo.gov.

In an order dated June 23, 2008, the Supreme Court of Missouri corrected an order of December 21, 2007, repealing subdivision 55.03 (Signing of Pleadings, Motions and Other Papers; Appearance and Withdrawal of Counsel; Representations to Court; Sanctions) of Rule 55, entitled “Pleadings and Motions.”

Also in that order, the Court corrected an order of December 21, 2007 adopting subdivision 88.09 (Parties not Represented Counsel) of Rule 88, entitled “Dissolution, Legal Separation and Child Support.”

This order became effective July 1, 2008.

The complete text of the order may be read in its entirety at www.courts.mo.gov.

The Supreme Court of Missouri, in an order dated June 23, 2008, repealed subdivision (b) of subdivision 17.03, entitled “Referral, Notification and Appointment,” of Rule 17 (Alternative Dispute Resolution) and in lieu thereof adopted a new subdivision (b) of subdivision 17.03, entitled, “Referral, Notification and Appointment.”

In the same order, the Court repealed subdivision 43.01 (b), entitled “Service on Attorney,” of Rule 43, entitled “Service of Pleadings and Other Papers,” and adopted a new subdivision 43.01(b), entitled “Service on Attorney.”

Additionally, the Court, in the same order, repealed subdivision 56.01(b)(4), entitled “Trial Preparation: Experts,” of Rule 56 (General Provisions Governing Discovery) and adopted a new subdivision 56.01(b)(4), entitled “Trial Preparations: Experts.”

In the same order, the Court repealed subdivision (a) of subdivision 84.035 (Appeals from Orders Granting or Denying Class Certification) of Rule 84, entitled “Procedure in All Appellate Courts,” and adopted a new subdivision (a) and a new subdivision (j) of subdivision 84.035 (Appeals from Orders Granting or Denying Class Certification).

The Court, in the same order, corrected reference to “The defenses specifically enumerated (1) – (12) in subdivision (a)” contained in subdivision 55.27(c), entitled “Preliminary Hearings,” of Rule 55, entitled “Pleadings and Motions.”

This order becomes effective January 1, 2009.

The complete text of the order may be read in its entirety at www.courts.mo.gov.

SUPREME COURT OF MISSOURI
en banc

May 20, 2008

In re: Revisions, additions and withdrawals to

MACH-CR and MAI-CR 3d
Effective September 1, 2008

TABLE OF INSTRUCTIONS

MACH-CR 2.23	Probable Cause Statement Form (Charge - Revision) (Notes on Use - Revision)
MAI-CR 3d 300.04	At the First Recess and Adjournment (Instruction - Revision) (Notes on Use - Revision)
MAI-CR 3d 302.01	Duties of Judge and Jury (Instruction - Revision) (Notes on Use - Revision)
MACH-CR 19.31	Endangering Corrections Employee, Visitor or Inmate (Charge - New) (Notes on Use - New)
MAI-CR 3d 319.31	Endangering Corrections Employee, Visitor or Inmate (Instruction - New) (Notes on Use - New)
MACH-CR 20.01	Forcible Rape: Victim Less than Twelve Years of Age (Title - Revision) (Charge - Revision) (Notes on Use - Revision)
MAI-CR 3d 320.01	Forcible Rape: Victim Less than Twelve Years of Age (Title - Revision) (Instruction - Revision) (Notes on Use - Revision)
MACH-CR 20.02	Forcible Rape (Charge - Revision) (Notes on Use - Revision)
MAI-CR 3d 320.02	Forcible Rape (Instruction - Revision) (Notes on Use - Revision)
MACH-CR 20.03	Statutory Rape in the First Degree (Charge - Revision) (Notes on Use - Revision)
MAI-CR 3d 320.03	Statutory Rape in the First Degree (Instruction - Revision) (Notes on Use - Revision)
MACH-CR 20.09	Forcible Sodomy: Victim Less than Twelve Years of Age

(Title - Revision)
(Charge - Revision)
(Notes on Use - Revision)

MAI-CR 3d 320.09 Forcible Sodomy: Victim Less than Twelve Years of Age
(Title - Revision)
(Instruction - Revision)
(Notes on Use - Revision)

MACH-CR 20.10 Forcible Sodomy
(Charge - Revision)
(Notes on Use - Revision)

MAI-CR 3d 320.10 Forcible Sodomy
(Instruction - Revision)
(Notes on Use - Revision)

MACH-CR 20.11 Statutory Sodomy in the First Degree
(Charge - Revision)
(Notes on Use - Revision)

MAI-CR 3d 320.11 Statutory Sodomy in the First Degree
(Instruction - Revision)
(Notes on Use - Revision)

MACH-CR 20.17 Child Molestation in the First Degree
(Charge - Revision)
(Notes on Use - Revision)

MAI-CR 3d 320.17 Child Molestation in the First Degree
(Instruction - Revision)
(Notes on Use - Revision)

MACH-CR 20.21 Sexual Misconduct in the First Degree
(Title - Revision)
(Charge - Revision)
(Notes on Use - Revision)

MAI-CR 3d 320.21 Sexual Misconduct in the First Degree
(Title - Revision)
(Instruction - Revision)
(Notes on Use - Revision)

MACH-CR 20.31 Sexual Contact with a Student on Public School Property
(Charge - New)
(Notes on Use - New)

MAI-CR 3d 320.31 Sexual Contact with a Student on Public School Property
(Instruction - New)
(Notes on Use - New)

MACH-CR 20.37 Enticement of a Child

(Charge - Withdrawn)
(Notes on Use - Withdrawn)

MAI-CR 3d 320.37	Enticement of a Child (Instruction - Withdrawn) (Notes on Use - Withdrawn)
MACH-CR 20.37.1	Enticement of a Child (Charge - Revision) (Notes on Use - Revision)
MAI-CR 3d 320.37.1	Enticement of a Child (Instruction - Revision) (Notes on Use - Revision)
MACH-CR 20.37.2	Attempted Enticement of a Child (Charge - New) (Notes on Use - New)
MAI-CR 3d 320.37.2	Attempted Enticement of a Child (Instruction - New) (Notes on Use - New)
MACH-CR 20.39	Failure to Register as a Sex Offender (Charge - Revision) (Notes on Use - Revision)
MAI-CR 3d 320.39	Failure to Register as a Sex Offender (Instruction - Revision) (Notes on Use - Revision)
MACH-CR 20.41	Failure of Registered Sexual Offenders to Notify of Change of Address (Charge - Revision) (Notes on Use - Revision)
MAI-CR 3d 320.41	Failure of Registered Sexual Offenders to Notify of Change of Address (Instruction - Revision) (Notes on Use - Revision)
MACH-CR 20.43	Failure of Sex Offender to Report Every 90 Days (Charge - New) (Notes on Use - New)
MAI-CR 3d 320.43	Failure of Sex Offender to Report Every 90 Days (Instruction - New) (Notes on Use - New)
MACH-CR 22.11	Endangering the Welfare of a Child in the Second Degree (Charge - Revision) (Notes on Use - Revision)
MAI-CR 3d 322.11	Endangering the Welfare of a Child in the Second Degree (Instruction - Revision)

(Notes on Use - Revision)

MAI-CR 3d 324.30.4	Passing Bad Checks: Ten Day Notice (Instruction - Revision) (Notes on Use - Revision)
MACH-CR 29.70	Escape from Commitment (Charge - Revision) (Notes on Use - Revision)
MAI-CR 3d 329.70	Escape from Commitment (Instruction - Revision) (Notes on Use - Revision)
MACH-CR 29.73	Tampering with Electronic Monitoring Equipment (Charge - New) (Notes on Use - New)
MAI-CR 3d 329.73	Tampering with Electronic Monitoring Equipment (Instruction - New) (Notes on Use - New)
MACH-CR 29.75	Violating a Condition of Lifetime Supervision (Charge - New) (Notes on Use - New)
MAI-CR 3d 333.00	Definitions - Specific (Revision)

ORDER

1. Revisions, additions and withdrawals to previously approved pattern criminal indictments and informations (MACH-CR) as listed above, having been prepared by the Committee on Procedure in Criminal Cases and reviewed by the Court, are hereby adopted and approved.

2. Revisions, additions and withdrawals to previously approved criminal instructions and Notes on Use (MAI-CR 3d) as listed above, having been prepared by the Committee on Procedure in Criminal Cases and reviewed by the Court, are hereby adopted and approved.

3. The revisions and additions as set forth in the specific exhibits attached hereto must be used and followed on and after September 1, 2008, and may be used and followed prior thereto, and any such use shall not be presumed to be error.

4. It is further ordered that the above Table of Instructions and this Order, without the specific exhibits attached hereto, be published in the Journal of The Missouri Bar and the South Western Reporter.

Day - to - Day
/s/ Laura Denvir Stith
Laura Denvir Stith

Chief Justice