

Kansas Supreme Court

*Special
Session*



The Kansas Supreme Court: seated, from left, Justice Marla J. Luckert, Chief Justice Lawton R. Nuss, and Justice Carol A. Beier; standing, Justice Dan Biles, Justice Eric S. Rosen, Justice Lee A. Johnson, and Justice Caleb Stegall.

6:30 p.m. CDT
Monday, April 9, 2018

Colby High School Auditorium
1890 S. Franklin Ave., Colby

Supreme Court invites community to special session at Colby High School in Colby

The Kansas Supreme Court will hear two cases in a special session at Colby High School in Colby as part of its ongoing outreach to familiarize Kansans with the high court, its work, and the overall role of the Kansas judiciary.

The court will be in session from 6:30 p.m. to about 8 p.m. CDT Monday, April 9, in the high school auditorium, 1890 S. Franklin Ave.

It will be the Supreme Court's first visit to Colby in the court's 157-year history, and it will be only the eighth time that the court will hear cases in the evening.

After the session concludes, the justices will greet the public in an informal reception in the commons area outside the auditorium.

Docket

Appeal No. 112,573: *State of Kansas* (plaintiff – appellee) v. *Daniel Barlett* (defendant – appellant) Barlett's cousin shot and killed Chad Ford. Barlett was charged with aiding and abetting a felony murder and criminal discharge of a firearm. The jury convicted Barlett of the latter offense. Barlett later pleaded guilty to voluntary manslaughter. The Court of Appeals affirmed the convictions. Issues center on whether various jury instructions were proper, the district court's refusal to declare a mistrial, and whether Barlett received a fair trial.

Appeal No. 115,434: *LCL LLC* (plaintiffs) v. *James W. Falen, in his capacity as sole trustee of the James W. Falen Living Trust U/A dated April 30, 2007; Julie D. Falen; Gregory A. Falen; and Maryl M. Wesolowski* (defendants/third-party plaintiffs – appellants) v. *Rice County Abstract and Title Co. Inc.* (third-party defendants – appellee) The Falens sold real estate in 2008 but retained the mineral interests. The contract reflected the retained interest, but the deed did not. When the property was sold in 2014 to LCL, the deed again did not reflect mineral rights ownership. When it was discovered, Rice County Abstract and Title asked LCL to deed the mineral rights to the Falens. Instead, LCL claimed ownership. The Falens sued RCAT for breach of implied contract and fiduciary duty. The district court ruled for RCAT because the statute of limitations had expired. The Court of Appeals ruled the Falens could pursue claims of negligence and breach of fiduciary duty but not breach of implied contract. Issues focus on the application of the statutes of limitations.

Summaries of the cases and briefs filed by the attorneys are available online by following the Colby Special Session link under What's New on the Kansas judicial branch website at www.kscourts.org.

Attending the Special Session

If you want to attend the special session, plan to arrive at the venue early to allow time to get through security screening. The doors open at 6 p.m. CDT. To ease your check-in, do not bring:

- food or drink;
- large bags, large purses, backpacks, computer cases, or briefcases;
- knives, pepper spray, firearms, or weapons;
- electronic devices like laptop computers, handheld games, personal digital assistants, or tablets. If you must carry a cell phone, turn it off and store it out of sight while court is in session.

Quiet Please

Audience members are prohibited from talking during oral arguments because it interferes with the attorneys' remarks and questions asked by the justices. Talking immediately outside the auditorium is also discouraged.

If someone arrives after the session starts, or must leave the auditorium before it ends, he or she should be as quiet as possible entering and exiting the auditorium.

Live Video Stream

A livestream of the special session will be available on the internet by selecting the *Watch Supreme Court Live!* link on the judicial branch home page at www.kscourts.org.

Supreme Court Outreach

Colby High School is the court's 15th destination since 2011, when it first convened outside of the Kansas Judicial Center to mark the state's 150th anniversary.

Stops in 2011 included the historic Supreme Court courtroom in the Capitol and locations in Salina, Greensburg, and Wichita. The court visited Overland Park in 2012, Pittsburg in 2013, Kansas City, Kansas, in 2014, Hays and Garden City in 2015, Topeka, Hiawatha, and Hutchinson in 2016, and Winfield and Emporia in 2017.