

FILED

FEB 25 2 52 PM '94

**THIRTEENTH JUDICIAL DISTRICT**  
CLERK OF DISTRICT COURTS  
**OF THE**  
**STATE OF KANSAS**

*RULES*  
*OF THE*  
*DISTRICT COURT*

*Effective February 1, 1994*

## TABLE OF CONTENTS

RULE #	SUBJECT	PAGE #
--------	---------	--------

### *GENERAL & ADMINISTRATIVE*

Prefatory Rule		1
No. 1.	Application of Rules	1
No. 2.	Administrative Orders	1

### *PLEADINGS & PRE-TRIAL MATTERS*

No. 3.	Preparation of Pleadings	2
No. 4.	Hearing & Trial Settings; Continuances	2
No. 5.	Entries of Appearance & Presence of Defendant in Criminal Cases	3
No. 6.	Pre-Trials	4
No. 7.	Pre-Trials in Condemnation Cases	5

### *DOMESTIC RELATIONS MATTERS*

No. 8.	Temporary Orders, Hearings, Mandatory Language & Related Matters	6
No. 9.	District Court Trustee & Expedited Judicial Process for Child Support Matters	10

### *TRIALS & RELATED MATTERS*

No. 10.	Evidentiary Matters	13
No. 11.	Use of Jury Questionnaires	14
No. 12.	Requested Jury Instructions	14
No. 13.	Courtroom Decorum & Procedures	14
No. 14.	Limited Case Management (filed July 31, 2008)	
No. 15.	Limited Parenting Coordination (filed July 1, 2014)	

*APPENDICES*

Appendix A	Pre-Trial Questionnaire	19
Appendix B	Pre-Trial Order	21
Appendix C	Suggested Divorce Forms	23
Form 1	Motion for Ex Parte Interlocutory Orders	23
Form 2	Temporary Custody & Support Order	24
Form 3	Temporary Restraining Order	25
Appendix D	Guidelines for Proper Behavior of Separated Parents with Children	27
Appendix E	1891 Rules of the Court	29

**RULES OF THE COURT  
THIRTEENTH JUDICIAL DISTRICT  
STATE OF KANSAS  
AS ADOPTED FEBRUARY 1, 1994**

**GENERAL & ADMINISTRATIVE**

**PREFATORY RULE**

A. **Rules Adopted.** These rules of the Court for the Thirteenth Judicial District, numbered 1 through 13, and Appendices A through E are hereby adopted as of February 1, 1994, and supplement the Kansas Supreme Court Rules relating to District Courts. Nothing herein is intended to contravene any statute or Supreme Court Rule.

B. **Repeal of Former Rules.** All previous court rules of this Court are hereby repealed.

**RULE NO. 1**

***APPLICATION OF RULES***

These rules shall apply to all matters pending before any Court in this District except as they may be modified as deemed necessary by the Assigned Judge in any action to meet emergencies or to avoid injustice or great hardship.

**RULE NO. 2**

***ADMINISTRATIVE ORDERS***

District Court Administrative Orders will be promulgated from time to time by the Administrative Judge and shall be effective on filing in the Office of the Clerk of the District Court. Such orders shall be binding on all court employees and shall control administrative procedures and personnel policies in the District. The Clerk in each county shall maintain an official file of such orders, which shall be available for public inspection during normal business hours. Nothing in such orders shall be interpreted to contravene any statute or Supreme Court rule or to affect the substantive rights of any litigant in any judicial proceeding.

## PLEADINGS & PRE-TRIAL MATTERS

### RULE NO. 3

#### *PREPARATION OF PLEADINGS*

A. The first page of all pleadings and other papers in any case or proceeding filed with the Clerk of the District Court shall have a 2 1/2 inch blank top margin for use by the Clerk for stamp filing and processing.

B. Counsel shall prepare all legal forms required to prosecute litigation in which they are involved including, but not limited to, summons, subpoenas, writs, child support and income withholding forms, garnishments, executions and other documents. The Clerks shall not prepare such forms. The original document, together with the required copies shall be submitted to the Clerk at the time of filing.

C. All journal entries wherein title to real estate is involved shall have prominently displayed on the margin of the first page the notation, in capital letters, "REAL ESTATE INVOLVED". Counsel shall furnish the Clerk of the District Court with one additional copy of the journal entry for certification to the County Clerk pursuant to K.S.A. 58-2242(a).

D. In all cases in which title to real property is affected by the decree of the Court, the legal description shall be set forth in full in the journal entry.

### RULE NO. 4

#### *HEARING & TRIAL DATE SETTINGS; CONTINUANCES*

A. The Assigned Judge will make trial and hearing schedules on the Court's own motion or at the request of counsel.

B. Ordinarily, all civil jury and non-jury Chapter 60 cases will be set for trial either at the time of the discovery conference or pretrial.

C. Felony cases will be set for trial at arraignment. All misdemeanor cases will be set for trial at the first appearance.

D. The Assigned Judge shall specially set any case entitled to precedence by law and may specially set any other case which, at the Judge's discretion, merits special assignment.

E. Continuances will be few, good cause will be required, and all requests will be heard and resolved by the Assigned Judge. All such requests involving jury trials will also be subject to the three-day rule set forth in subparagraph F below.

F. After a case has been assigned for jury trial, no motion to remove the case from the assignment will be entertained closer than three clear days prior to the date set for trial, exclusive of Saturday, Sunday or legal holidays. Deliberations regarding change of pleas or settlements shall be conducted so as to permit conformity with this rule.

G. The three-day rule may be waived if the Assigned Judge finds that exceptional circumstances exist or that no-one will be unduly inconvenienced, including the Court. Each party shall be responsible for notifying his or her subpoenaed witnesses if a continuance is granted or the case is resolved.

#### **RULE NO. 5**

##### ***ENTRIES OF APPEARANCE & PRESENCE OF THE DEFENDANT IN CRIMINAL CASES***

A. In all criminal cases, retained counsel will be recognized by the Court only upon the filing of a written entry of appearance or other signed pleading.

B. In criminal cases, the defendant must be present at each stage of the proceeding unless a waiver of his or her presence is on file and approved by the Court. The defendant's presence at the first appearance may not be waived except in misdemeanor cases where an attorney may, with permission of

the Court and after filing a written entry of appearance, appear for the defendant.

C. When requesting a continuance, the defendant and/or the defendant's attorney must be present in court to request the same unless waived by the Court or unless a written motion and order for continuance approved by the Court has been filed in the case no later than 5:00 p.m. on the day before the case is originally set for hearing. This rule is also subject to Rule No. 4 as it relates to jury cases.

## **RULE NO. 6**

### ***PRE-TRIALS***

A. **Date for Pre-trial Conference.** The pre-trial conference contemplated by K.S.A. 60-216 and Supreme Court Rule No. 140 shall be held when called by the Assigned Judge upon the request of either party or upon the Court's own motion. If agreement is reached on the triable issues, the parties may prepare a proposed pre-trial order for submission to the Court.

B. **Pre-Trial Questionnaire.** A pre-trial questionnaire substantially in the form as provided in Appendix A to these rules will be completed by each attorney of record and copies mailed to the Assigned Judge and all other counsel at least one week prior to the pre-trial conference. All questions shall be answered or indicated as not applicable. The answers shall be typed. The parties shall state with particularity the factual basis and theories for their respective claims.

C. **Duty of Counsel at Pre-Trial.** Prior to the pre-trial conference, counsel shall:

1. Exchange lists of the names and addresses of witnesses who may be called to testify at trial;
2. Exhibit to each other all photographs, documents, maps, or other tangible things which may be offered in evidence at the trial, and a good faith effort shall be made to eliminate the need to call witnesses to lay a purely formal foundation for the admission in evidence thereof, or if

possible, to agree that such exhibits may be admitted without objection if there is no controversy concerning the same;

3. Stipulate, in writing, as to all material facts not in controversy; make a full and good faith disclosure of their respective positions, and make every effort to agree upon issues of fact and law remaining for trial.

**D. Procedure at Pre-Trial.**

1. The official court reporter or an electronic recording machine shall be available to record each pre-trial conference if requested by a party or ordered by the Court.

2. The order of procedure shall be as set forth in Supreme Court Rule No. 140.

3. Counsel shall prepare a pre-trial order at the close of the conference as directed by the Court.

4. The pre-trial order shall reflect the action taken at the conference and shall be in substantially the form approved by the Court. (See Appendix B.)

**RULE NO. 7**

***PRE-TRIAL IN CONDEMNATION CASES***

The following matters shall be considered and determined at pre-trial in condemnation cases:

A. Date of taking and any amendment or changes since the original taking;

B. Number of acres in tract before taking, number of acres actually taken and number of acres remaining;

C. The nature of the taking, whether fee simple or an easement, and any access rights taken;

D. Any unusual improvements, including fencing, which should be special elements of damage;

- E. Highest and best use of the property;
- F. Request for other admissions and stipulations;
- G. Exhibits, plats or demonstrative evidence to be introduced;
- H. Witnesses and appraisers;
- I. Any special instructions needed.

## DOMESTIC MATTERS

### RULE NO. 8

#### *TEMPORARY ORDERS, HEARINGS, MANDATORY LANGUAGE & RELATED MATTERS*

##### **A. Ex-parte Restraining Orders, Temporary Support and Custody Orders.**

1. In all domestic relation cases, ex-parte restraining orders, ex-parte temporary support and custody orders will be heard only upon the verified application of either party. Attorneys are encouraged to use the suggested forms attached at Appendix C hereto for such applications and orders. Said forms may be combined and modified to suit the particular circumstances of each domestic matter. Temporary support and custody applications shall be accompanied by a Domestic Relations Affidavit and Worksheet A as set forth in the Kansas Child Support Guidelines.

2. Applications for temporary orders shall be determined upon the verified pleadings, affidavits and worksheets, statements of counsel and such hearing, if any, as the Court may require.

3. It is recommended that the Court's "Guidelines for Proper Behavior of Separate Parents with Minor Children" (See Appendix D) be provided to both parties upon the filing of the action in all domestic cases involving minor children.

**B. Discovery Conferences.** No contested matter in any domestic case, either prior to or after divorce, shall be heard until either the parties or their attorneys have attended a conference with the Court relative to the subject of the controversy. The Court, in its discretion, may waive this requirement.

**C. Factual Statements.** In contested domestic cases, the Domestic Relations Affidavit required by Supreme Court Rule No. 164 to be exchanged by counsel shall be supplemented, if applicable, by statements of estimated market value; an indication of the manner in which each party desires the real and personal property to be divided; allocation of debts and liabilities; and proposals for child support and maintenance. Such information shall be exchanged by counsel prior to trial and a copy furnished to the Court at the time of trial.

**D. Bench-Bar Committee Domestic Guidelines.** The Thirteenth Judicial District Bench-Bar Committee has compiled and published a set of guidelines to be used as a reference for practicing domestic relations law in this District. The Court encourages the divorce practitioner to use these guidelines as a uniform starting point when evaluating issues which frequently arise in divorce cases. While the guidelines are not formal court rules, they are recognized by the Court as being a very useful tool to assist in the settlement of divorce and other family law cases in this Judicial District. The guidelines, however, should not be substituted for critical analysis of an individual case. It is anticipated that there will be factual situations where application of the guidelines may be inappropriate.

**E. Guardian Ad Litem and Attorney for Minors.** In the interest of justice, the Court may appoint a guardian ad litem for the minor children of the parties. Such guardian ad litem shall attend all hearings, receive subsequent pleadings and actively participate in settlement negotiations, make investigations and perform such other services as are appropriate. Time and expense records shall be kept and such fees as are allowed by the Court shall be taxed as costs of the action.

**F. Mandatory Language in Support, Maintenance and Custody Orders.**

1. All support orders for child support or maintenance shall specify that payment shall be made payable and sent or delivered to the Clerk of the District Court and shall contain appropriate language clearly specifying the date or dates of the month when such payments are due and the *exact date upon which payment shall begin*.

2. For purposes of the district's Court Trustee program, all child support orders shall specify that upon receipt of support payments, the Clerk shall pay out one (1)% of all child support payments to the Court Trustee's Operations Fund and disburse the balance to the recipient (or any designated payee if appropriate).

3. Each child support order shall also include a provision that each party shall inform the Clerk of the District Court in writing of any change of name, residence and employer with business address within seven (7) days after such change.

4. Permanent child support orders shall direct that an income withholding order be immediately issued by this Court to enforce the child support order of the Court.

5. All permanent child custody orders shall include the following additional language:

“(a) A parent entitled to the custody of a child shall give written notice to the other parent not less than twenty-one (21) days prior to changing the residence of the child to a place outside this state or removing the child from this state for a period of time exceeding ninety (90) days. Such notice shall be sent by restricted mail, return receipt requested, to the last known address of the other parent.

(b) Failure to give notice as required by subsection (a) is an indirect civil contempt punishable as provided by law. In addition, the

court may assess against the parent required to give notice, reasonable attorney fees and any other expenses incurred by the other parent by reason of the failure to give notice.

(c) A change of the residence of a child to another state or removal of a child from this state for a period exceeding ninety (90) days may be considered a material change of circumstances which justifies modification of a prior order of child support or custody.”

#### **G. Final Hearing.**

1. No final hearing in a domestic matter shall be heard until all costs are paid in full, except by permission of the Court .

2. Additionally, in Butler County, unless waived by the Court, the journal entry shall not be filed in any domestic case involving children until such time as both parties furnish proof of completion of an approved divorce workshop for parents with children.

**H. Recitation of Separation Agreement in Decree.** When the parties to a domestic action have entered into a written agreement or joint stipulation providing for division of property, maintenance, custody, support and education of minor children, and such agreement is found by the Court to be fair, just and equitable and is by the Court's order incorporated in and confirmed by the decree and provided in K.S.A. 60-1610, the terms of the stipulation or agreement shall be recited in full in such decree or journal entry.

**I. Withdrawal of Counsel.** Counsel should consider including a withdrawal of counsel clause in the Journal Entry of Divorce to avoid confusion regarding notice of future child support enforcement proceedings, particularly those brought by the District Court Trustee.

## RULE NO. 9

### ***DISTRICT COURT TRUSTEE AND EXPEDITED JUDICIAL PROCESS FOR CHILD SUPPORT MATTERS***

Pursuant to Supreme Court Rule 172, a District Court Trustee Program and Expedited Judicial Process for child support matters have been established in this district through several administrative orders which provided for the enforcement and collection of child support. Administrative Orders 85-04, 86-02, 86-03, 87-01, 91-02, 92-01 and 94-01 are hereby amended, consolidated, and incorporated herein.

#### **A. Court Trustee.**

1. The District Court Trustee for the Thirteenth Judicial District shall be appointed by and serve at the pleasure of the Administrative Judge.

#### 2. Powers of the District Court Trustee.

a. The Court Trustee is empowered to pursue all civil remedies which would be available to an obligee in enforcing payment of child support. The Court Trustee may also file motions to modify the amount of support on behalf of any child .

b. The Court Trustee shall have all of those additional powers and duties enumerated in K.S.A. 23-494, et seq.

c. The Court Trustee, on assignment by the Administrative Judge, may preside as a hearing officer at summary administrative hearings relating to the enforcement and modification of child support orders under laws pertaining to expedited judicial process for child support matters.

d. The Court Trustee shall act as "prosecuting attorney" in Uniform Reciprocal Enforcement of Support Act cases pursuant to K.S.A. 23-451 et seq.

### 3. Collection of Child Support Payments.

The Clerk of the District Court shall continue to collect, disburse, and receive payments for child support. The Clerk shall maintain complete records of all payments and disbursements and furnish to the Court Trustee on such forms as are provided the information necessary to carry out and enforce the duties, obligations, and responsibilities as required above.

### 4. Expenses of Operation.

a. To defray the expenses of operations of the Court Trustee's office, the Court shall charge the amount of one (1)% of the funds collected for child support in this District in those cases affected by this rule. The charge shall apply to all orders of the District Court for payment of child support entered after December 31, 1986, including temporary orders and new orders modifying support orders in existence on or before said date, unless good cause for exemption is granted by the Court under the procedure set forth in subparagraph 5 below.

b. The Court Trustee percentage shall be withheld from all applicable child support payments made through the Clerk of the District Court. Such withheld percentages shall be then paid by the Clerk to the Court Trustee's Operations Fund.

### 5. Exemption from the Court Trustee Program.

a. A child support obligor or obligee may apply in writing to the Court for exemption from the Trustee's responsibility for collection of support.

b. The assigned judge shall review the written request for exemption and make a determination on whether the claimant's request is a good cause claim based on relevant and appropriate factors. The judge's determination shall be based upon the totality of the circumstances and no one factor shall be determinative as to the outcome of the claimant's request for such good cause claim for exemption.

## B. Expedited Judicial Process.

### 1. Appointment of Hearing Officers.

Both District Magistrate Judges and the Court Trustee are appointed as hearing officers to assist the District Judges in hearing expedited enforcement of support matters in those cases referred to them by the Administrative Judge. Such hearing officers may conduct hearings in any county in the district.

### 2. Powers of Hearing Officers.

a. Hearing Officers are empowered to establish, modify and enforce orders of support pursuant to the Kansas Parentage Act, Chapter 114, L. 1985, K.S.A. 23-451 et seq., 39-755 or 60-1610, K.S.A. 38-1543 and 38-1563; and 1985 Session Laws, Chapter 115.

b. The District Magistrate Judges are further empowered to enforce orders granting a parent visitation rights to the parent's child.

c. Only a District Judge may address questions of child custody in domestic issues except in those instances where a District Magistrate Judge is acting in the absence of the District Judge as provided by law.

d. All recommended orders of the Court Trustee acting as a hearing officer shall be subject to approval by a District Judge. Any such order shall become final unless the obligor requests in writing a judicial hearing within ten (10) days from the date of the filing of the recommended order by the Court Trustee.

e. If for any reason after commencing a hearing, a District Magistrate Judge or the Court Trustee determines that the case would be more appropriately heard by a District Judge, the hearing officer shall hear so much of the factual situation as necessary to support a decision either to issue a temporary child support order *pendente lite* or not to issue such an order. Such case shall then be referred to the Administrative Judge for further assignment.

### 3. Responsibilities of Hearing Officers.

The hearing officer's responsibilities in expedited matters shall be those set forth in Supreme Court Rule 172(b).

### 4. Mandatory Language in Support Orders.

All child support orders entered pursuant to this Rule shall contain the applicable mandatory language set forth in Rule No. 8 herein.

### 5. Time Standards.

All actions to establish, modify or enforcement support obligations shall be completed, from time of filing to time of disposition so as to conform to the following time frames:

- a. 90% in 90 days.
- b. 98% in 180 days.
- c. 100% in 365 days.

The Administrative Judge shall be responsible for monitoring the time standards set forth herein.

## **TRIALS & RELATED MATTERS**

### **RULE NO. 10**

#### ***EVIDENTIARY MATTERS***

**A. Hearsay Evidence Under K.S.A. 60-460(d)(3).** When evidence is to be offered under K.S.A. 60-460(d)(3) as an exception to the hearsay rule (the declarant being unavailable as a witness), notice of intent to offer the same shall be given to the adverse parties and the Court at or prior to the pre-trial conference so that foundation proof can be indicated, and the question of admissibility can be considered in advance of trial. At the pre-trial conference, inquiry will be made as to the reasons for not taking the deposition of the declarant if alive and not incompetent, and consideration will be given to the advisability of giving the adverse party an opportunity to take the deposition of the declarant prior to trial. In cases or hearings where no pre-trial conference is held.

notice contemplated by this rule shall be given prior to trial so that foundation proof may be considered in advance of trial.

**B. Judicial Notice.** When the Court is called upon to take judicial notice of any matter, notice of intent to do so shall be given to the adverse party and to the Court at or prior to the pre-trial conference so that the question of whether such evidence will be received can be considered in advance of trial, provided that no party shall be prejudiced for failure to comply with this rule if such party could not have reasonably anticipated prior to trial that the matter to be judicially noticed would be a necessary element of proof.

## **RULE NO. 11**

### ***USE OF JURY QUESTIONNAIRES***

Upon the drawing of a prospective jury panel, the Court shall mail to each panel member a jury qualification questionnaire which complies with Supreme Court Rule No. 167. Such questionnaires when returned shall be available for inspection by any attorney having cases set for jury trial before the Court.

## **RULE NO. 12**

### ***REQUESTED JURY INSTRUCTIONS***

Pursuant to K.S.A. 60-251, proposed jury instructions shall be presented to the Court in writing and served on each adverse party at the opening of the trial and before the taking of evidence. Parties may submit additional requested instructions pertaining to questions arising during the trial or requests for modification of previously submitted instructions at any time prior to the giving of final instructions to the jury. Pattern instructions may be requested by number.

## **RULE NO. 13.**

### ***COURTROOM DECORUM AND PROCEDURES***

A. Court shall be formally opened on each day that court business is transacted.

B. The opening formality shall be as follows: Immediately before the start of the proceedings, the bailiff shall enter the courtroom and direct all court officers and spectators to their seats. As the judge enters the courtroom, the bailiff shall require all present to stand by saying:

“All rise! The District Court of \_\_\_\_\_ County, Kansas, is now in session. The Honorable \_\_\_\_\_ presiding.”

All may then be seated and the business of the Court proceeded with.

C. In recessing, the bailiff shall announce: “The Court is now in recess.” (As may be directed by the judge.)

D. In reconvening after recess, the bailiff shall give warning that the Court is about to reconvene and as the judge enters cause all to stand until the judge is seated. (As may be directed by the judge.)

E. In jury trials, the jurors shall take their places in the jury box before the judge enters the courtroom for reconvening.

F. The flags of the United States and the State of Kansas shall be appropriately displayed at or in close proximity to the bench.

G. Lawyers, while examining jurors on *voir dire*, should, insofar as possible, use collective questions, avoid repetition and seek only material information and never unethical advantage.

H. Lawyers, during trial, shall not exhibit familiarity with witnesses, jurors, or opposing counsel and the use of first names shall be avoided. Lawyers shall not appear to engage the Court in a confidential manner. In jury arguments, no juror shall be addressed individually or by name.

I. All lawyers, litigants and court officers, including jurors, shall dress appropriately subject to the discretion of the Court.

J. Lawyers shall advise their clients and witnesses of the formalities of the Court and seek their full cooperation therewith, thereby avoiding embarrassment to the Court and laymen as well.

K. Witnesses are usually in attendance under compulsion of court process. They shall, therefore, be examined and treated with courtesy and respect. Their good faith shall be presumed until the contrary clearly appears.

L. The swearing of witnesses should be an impressive ceremony and not a mere formality. They shall be sworn individually near the bench and never in the audience section.

M. Exhibits to be offered should first be handed to the court reporter or recording technician, numbered and then submitted to opposing counsel. They should thereafter be offered and referred to by number only.

N. In jury cases, in sustaining a motion to dismiss at the close of the plaintiff's evidence or otherwise disposing of the case before the verdict, the judge in dismissing the jury should briefly explain the procedure and why a verdict was unnecessary.

O. In criminal cases the defendant shall stand with his attorney before the bench in waiving arraignment or entering a plea and at the time of passing sentence.

P. Smoking shall not be permitted in the courtroom at any time.

Q. An official record shall be made by the official court reporter or electronic recording for: (1) all proceedings in criminal cases had in open court; and (2) all proceedings in all other cases had in open court, unless the parties, with the approval of the judge, shall specifically agree otherwise.

These rules are effective in the Thirteenth Judicial District upon filing with the Clerk of the Supreme Court pursuant to Supreme Court Rule No. 105.

These rules supersede and void any prior rules of the Thirteenth Judicial District.

Approved this 1st day of February, 1994.

**John E. Sanders**  
Administrative Judge  
Division One  
Eureka, Kansas

**Charles M. Hart**  
District Judge  
Division Two  
El Dorado, Kansas

**John M. Jaworsky**  
District Judge  
Division Three  
El Dorado, Kansas

FILED

FILED  
BUTLER COUNTY  
DISTRICT COURT

2009 JUL 29 P 4:48  
IN THE THIRTEENTH JUDICIAL DISTRICT FOR THE STATE OF KANSAS  
BUTLER, GREENWOOD AND ELK COUNTIES

CAROL G. GREEN  
CLERK APPELLATE COURTS

LOCAL RULE 14  
(Limited Case Management)

CLERK OF DISTRICT COURT

BY \_\_\_\_\_

When the district court refers a legal matter for limited case management, (LCM) it is generally contemplated that whenever applicable the specific statutory directives and procedures set forth in K.S.A. 23-1001 et. seq. as amended shall apply.

To clarify and supplement the case management statutes, the following local rule is promulgated:

- A. Definition of Limited Case Management: Limited case management, formerly known as Dispute Resolution Counseling (DRC), operates identically to case management except for the following:
1. In limited case management, the Court only assigns certain specified issues to the case manager.
  2. In limited case management, the recommendations of the case manager do not become the order of the Court except as otherwise stated in this local rule.
  3. In limited case management, the assignment to limited case management ends when a written agreement has been approved by the parties, or when the case manager files recommendations as to the issues specified by the Court. The Court at any time, upon motion of a party, or on the Court's own motion, may terminate all or part of the assignment.
- B. Submission of Report by Limited Case Manager: The limited case manager shall submit a written report to the Court and mail to counsel of record (and if unrepresented by counsel,

to each party proceeding pro se) upon completion of the limited case management process. Such report shall contain the agreements of the parties and the limited case manager's recommendations. The limited case manager shall promptly upon completion of the report submit a "Notice of Submission of Limited Case Management Report" to the Clerk of the District Court of the county in which the action is pending. Such Notice shall be in a format in substantial conformity to the form in the Appendix of this Rule, and shall set forth the case caption including case number, the date of the case management report, and a certificate of mailing setting forth the persons to whom a copy of such report has been sent. This Notice shall be the only document filed with the Clerk; the limited case management report itself shall not be filed with the Clerk but rather be sent to the chambers of the judge presiding over the case along with a copy of the Notice of Submission.

- C. Time to file motion to review limited case manager's recommendations: If a disputant party disagrees with a recommendation, and desires court review of such recommendation, such party shall file a motion with the Clerk of the District Court for a review of the limited case manager's recommendations. Such motion to review shall be filed by no later than 14 days from the date of the filing of the limited case manager's Notice of Submission of Limited Case Management with the Clerk of the District Court. All Motions to Review shall identify the particular recommendations in the report which are disputed. If no timely motion to review is filed, any objections thereto are deemed waived, and either party may submit an order to the Judge adopting the limited case manager's report, specifically setting forth the parties' agreements and/or limited case manager's recommendations without the inclusion of any introductory matters, statements

of rationale, or personal commentary that may be reflected in the report. The Court may also direct one of the attorneys to draft the Order. A party submitting such a proposed Order shall provide a copy of such proposed Order to opposing counsel (or opposing party, if pro se) prior to submission to the Court. Orders simply attaching the limited case management report to the Order is expressly disapproved, as limited case manager's reports often contain statements of rationale and private, personally identifiable information which should not be made part of a public court file.

D. Hearing procedure upon filing of Motion to Review:

1. A disputant party who intends to file a Motion to Review a limited case manager's recommendations shall contact the office of the judge presiding over the case and obtain and coordinate a prompt setting for hearing on the review, or in the discretion of the Court, a scheduling conference relating to such review. The Court date obtained shall be reflected in the Motion to Review filed with the Clerk and served upon the other party.
2. At the hearing upon the review, if a limited case manager's recommendations are challenged, the case manager must explain his or her reasons by report or testimony. The Court may rely on the reasons and rationale as stated in the limited case management report or any subsequent written report provided to Court and counsel. It shall be the obligation of a disputant party to obtain and/or compel the personal attendance of the limited case manager at any such hearing by subpoena, or other appropriate means, and such party requesting the case manager's personal attendance shall be initially and presumptively responsible to pay for any professional fees or appropriate expenses connected with such limited

case manager's appearance in court. Nothing in this section is intended to limit the Court's discretion in ultimate allocation and assessment of costs, fees, and expenses as authorized by K.S.A. 23-1007(d)(7), K.S.A. 60-1610(b)(4) or other applicable law.

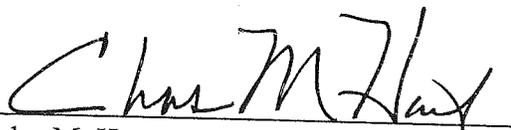
3. The disagreeing (disputant) party bears the burden of proving the limited case manager's recommendation to be erroneous or inappropriate, and such burden is not on the case manager or concurring parties to prove the propriety of the recommendations. In Re Marriage of Gordon-Hanks, 27 Kan.App.2d 987, 10 P.3d 42 (2000).

This Local Rule is approved by the district judges of the 13<sup>th</sup> Judicial District and shall apply to all pending cases wherein limited case management has been ordered or agreed to, and all subsequent cases where limited case management is ordered or approved by the Court.

This rule shall be effective upon filing with the Clerk of the Supreme Court pursuant to Kansas Supreme Rule 105.



John E. Sanders  
Chief Judge  
Division One



Charles M. Hart  
District Judge  
Division Two



David A. Ricke  
District Judge  
Division Three



Mike Ward  
District Judge  
Division Four

(Case Caption)

**NOTICE OF SUBMISSION OF  
LIMITED CASE MANAGEMENT REPORT**

The undersigned limited case manager hereby certifies that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, a limited case management report dated \_\_\_\_\_

and a copy of this Notice was submitted to the following persons:

Original of report and copy of this Notice to:

Judge \_\_\_\_\_  
Butler County District Court  
201 West Pine  
El Dorado, KS 67042

with true and correct copies mailed to:

**For Plaintiff/Petitioner:**

**For Defendant/Respondent:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Original of notice only sent to:

Clerk of the District Court  
201 W. Pine  
El Dorado, KS 67042

Signed: \_\_\_\_\_  
Limited Case Manager

Other remarks: \_\_\_\_\_  
\_\_\_\_\_

IN THE THIRTEENTH JUDICIAL DISTRICT FOR THE STATE OF KANSAS  
BUTLER, GREENWOOD AND ELK COUNTIES

FILED

JUL 01 2014

**LOCAL RULE 15**  
(Limited Parenting Coordination)

HEATHER L. SMITH  
CLERK OF APPELLATE COURTS

When the district court refers a family law matter for limited parenting coordination (LPC) the specific directives and procedures set forth in this Local Rule shall apply.

To provide clarity, consistency and definition to the limited parenting coordination process, the following local rule is promulgated:

- A. Definition of Limited Parenting Coordination: "Limited Parenting Coordination" is a process wherein the court appoints a person meeting the requirements set forth in this Rule to meet with and assist the parents in resolving conflict in a way that is beneficial to the children, and to make appropriate recommendations to the Court. In contrast to other alternative dispute resolution procedures:
1. In limited parenting coordination, the Court only assigns certain specified issues to the parenting coordinator.
  2. In limited parenting coordination, the recommendations of the parenting coordinators do not become the order of the Court except as otherwise stated in this local rule.
  3. In limited parenting coordination, the assignment to limited parenting coordination ends when a written agreement has been approved by the parties, or when the parenting coordinator files recommendations as to the issues specified by the Court. The Court at any time, upon motion of a party, upon written request by the limited parenting coordinator, or on the Court's own motion, may terminate all or part of the assignment.

- B. Limited Parenting Coordinators, qualifications. To qualify as an appointed limited parenting coordinator, an individual shall:
1. Be currently qualified as an appointed case manager under the provisions of K.S.A. 23-3508; or
  2. Be currently approved as a mediator qualified to mediate child custody or parenting cases under the provisions of Kansas Supreme Court Rule 902; or
  3. Have sufficient training, resources and experience to undertake the case as determined by the judge making the appointment of a limited parenting coordinator.
- C. Limited Parenting Coordination Order. In each case that Limited Parenting Coordination is ordered by the court, an order shall be promptly prepared in substantial conformity with a form approved by the judges of the district. Such order shall include contact information for each party. The court shall designate a lawyer or party responsible for the prompt preparation and submission of the order and the contemporaneous forwarding of a copy to the designated limited parenting coordinator.
- D. Communications involving Limited Parenting Coordinator. Because Limited Parenting Coordination is a non-adversarial process designed to reduce acrimony and settle disputes efficiently, a LPC may engage in *ex parte* (individual) communications with each of the parties and/or their attorneys, unless otherwise specified in writing in the order of appointment. The LPC may initiate or receive *ex parte* oral or written communications with the parties and their attorneys, legal representatives of the children, and other parties relevant to understanding the issues. The LPC should engage in communications in an objective, balanced manner that takes into consideration the

possibility or perception of bias. The LPC should communicate agreements, recommendations, or decisions to all parties and counsel at the same time.

E. Submission of Report by Limited Parenting Coordinator. The limited parenting coordinator shall submit a written report to the Court and mail to counsel of record (and if unrepresented by counsel, to each party proceeding pro se) upon completion of the limited parenting coordination process. Such report shall contain the agreements of the parties and the limited parenting coordinator's recommendations. The limited parenting coordinator shall promptly upon completion of the report submit a "Notice of Submission of Limited Parenting Coordination Report" to the Clerk of the District Court of the county in which the action is pending. Such Notice shall be in a format in substantial conformity to the form in the Appendix of this Rule, and shall set forth the case caption including case number, the date of the limited parenting coordination report, and a certificate of mailing setting forth the persons to whom a copy of such report has been sent. This Notice shall be the only document filed with the Clerk; the limited parenting coordination report itself shall not be filed with the Clerk but rather be sent to the chambers of the judge presiding over the case along with a copy of the Notice of Submission.

F. Motion to review limited parenting coordinator's recommendations:

1. If a disputant party disagrees with a recommendation, and desires court review of such recommendation, such party shall file a motion with the Clerk of the District Court for a review of the limited parenting coordinator's recommendations. Such motion to review shall be filed by no later than 21 days from the date of the filing of the limited case manager's Notice of Submission of Limited Parenting Coordination Report with the Clerk of the

District Court. If a disputant party files a Motion for allowance to file a Motion to Review out of time, the court is empowered to deny such motion in its discretion as a matter of rule enforcement and to then adopt the LPC recommendation as the orders of the court.

2. All Motions to Review shall identify the particular recommendations in the report which are disputed. If no timely motion to review is filed, any objections thereto are deemed waived, and either party may submit an order to the Judge consistent with the procedure set forth below adopting the limited parenting coordination report, specifically setting forth the parties' agreements and/or limited parenting coordinator's recommendations without the inclusion of any introductory matters, statements of rationale, or personal commentary that may be reflected in the report. The Court may also direct one of the attorneys to draft the Order. A party submitting such a proposed Order shall provide a copy of such proposed Order to opposing counsel (or opposing party, if pro se) prior to submission to the Court. Any such proposed order provided to opposing counsel or to a pro se opposing party shall be submitted consistent with the procedures set forth in Supreme Court Rule 170 and the submitting attorney Submission of an Order simply attaching the limited parenting coordinator's report to the Order is expressly disapproved, as limited parenting coordinator's reports often contain statements of rationale and private, personally identifiable information which should not be made part of a public court file.

G. Hearing procedure upon filing of Motion to Review:

1. A disputant party who files a Motion to Review a limited parenting coordinator's recommendations shall contact the office of the judge presiding over the case and obtain a prompt setting for hearing, or in the discretion of the Court, a scheduling conference relating to such review. The Court date obtained shall be reflected in the Motion to Review filed with the Clerk and served upon the other party.
2. At the hearing upon the review the limited parenting coordinator must explain his or her reasons by report or testimony. The Court may rely on the reasons and rationale as stated in the limited parenting coordination report or any subsequent written report provided to Court and counsel. It is mandatory that the disputant party obtain the personal attendance of the limited parenting coordinator at any such hearing by subpoena, or other appropriate means, and such disputant party compelling the parenting coordinator's personal attendance shall pay for any estimated professional fees or appropriate expenses connected with such limited parenting coordinator's appearance in court unless otherwise ordered by the court prior to the hearing. Nothing in this section is intended to limit the Court's discretion to allocate the assessment of costs, fees, and expenses as authorized by K.S.A. 23-2216, K.S.A. 23-2715, or other applicable law.
3. The disagreeing (disputant) party bears the burden of proving the limited parenting coordinator's recommendation to be erroneous or inappropriate, and such burden is not on the parenting coordinator or concurring parties to prove the propriety of the recommendation.

This Local Rule is approved by the district judges of the 13<sup>th</sup> Judicial District and shall apply to all pending cases wherein limited parenting coordination or limited case management

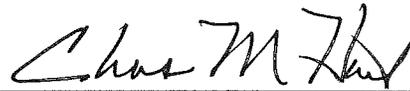
has been ordered or agreed to, and all subsequent cases where limited parenting coordination is ordered or approved by the Court.

Local Rule 14 of the 13<sup>th</sup> Judicial District is hereby repealed.

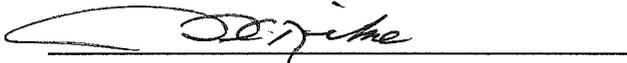
This rule shall be effective upon filing with the Clerk of the Supreme Court pursuant to Kansas Supreme Rule 105.



Jan Satterfield  
District Judge  
Division One



Charles M. Hart  
District Judge  
Division Two



David A. Ricke  
Chief Judge  
Division Three



Mike Ward  
District Judge  
Division Four

**NOTICE OF SUBMISSION OF  
LIMITED PARENTING COORDINATION REPORT**

The undersigned limited parenting coordinator hereby certifies that on the \_\_\_\_\_ day  
of \_\_\_\_\_, \_\_\_\_\_, a limited parenting coordination report dated \_\_\_\_\_

and a copy of this Notice was submitted to the following persons:

Original of report and copy of this Notice to:

Judge \_\_\_\_\_  
Butler County District Court  
201 W. Pine  
El Dorado, KS 67042

with true and correct copies mailed to:

**For Plaintiff/Petitioner:**

**For Defendant/Respondent:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Original of notice only sent to:

Clerk of the District Court  
201 W. Pine  
El Dorado, KS 67042

Signed: \_\_\_\_\_  
Limited Parenting Coordinator

Other remarks: \_\_\_\_\_

\_\_\_\_\_

*(This page intentionally left blank)*



12. Discovery
  - a. List discovery you have completed:
  - b. Specify further discovery contemplated, if any:
  - c. If further discovery is planned, state when the same will be completed:
13. Motions
  - a. List motions you have pending:
  - b. List motions you plan to file prior to trial:
14. State any procedural problems you have:
15. List names and addresses of all witnesses you intend to call at trial. (NOTE: You must list all witnesses known to you at present time.)
16. List all exhibits you intend to offer at trial:
17. Trial assignment
  - a. Should case receive priority setting, and if so, why?
  - b. Are you requesting a court or jury trial?
  - c. If jury trial, have you complied with K.S.A. 60-238?
  - d. If jury trial, would you agree to a six-member jury?
  - e. What is the estimated time for trial?

---

Signature

(certificate of mailing)

## APPENDIX B

(CAPTION)

### PRE-TRIAL ORDER

A pre-trial conference was held before \_\_\_\_\_, Judge on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Appearances for plaintiff(s):

Appearances for defendant(s):

1. Jurisdiction was conceded by counsel and found by the Court to be present. (If otherwise, strike out foregoing.)
2. The plaintiff(s) factual contentions and theory of action are:
3. The defendant(s) factual contentions and theory of action are:
4. The Court ruled as follows upon proposed amendments to the pleadings:
  5. The following facts are established by admission in the pleadings or by stipulations of counsel at the pre-trial conference:
  6. The contested issues of fact are:
  7. The contested issues of law in addition to those implicit in the above issues of fact, are: (Or) There were no special issues of law other than such as are implicit in the above issues of fact.
  8. There were received in evidence:
    - a. Plaintiff(s) exhibits:
    - b. Defendant(s) exhibits:
    - c. Except as otherwise noted, the authenticity of received exhibits as been stipulated, but they have been received subject to objections, if any, by the opposing party at the trial as to their relevancy and materiality. If other exhibits are to be offered and their necessity reasonably can be anticipated, they will be submitted to opposing counsel at least ten days prior to trial.
  9. The following witnesses will be called to testify: (Indicate which will be called in the absence of reasonable notice to opposing counsel to the contrary, and which may be called as a possibility only.)
  10. The following rulings were made upon motions presented, or previously reserved for ruling at the pre-trial conference:
  11. (If the case is to be tried to a jury) it is directed that requests for instructions be submitted to the Court at the commencement of the

case, subject to the right of counsel to supplement such requests during the course of trial on matters that cannot reasonably be anticipated.

12. The following additional matters to aid in the disposition of the action were determined:

13. This pre-trial order has been formulated after conference at which counsel for the respective parties have appeared. Reasonable opportunity has been afforded counsel for corrections or additions prior to signing by the Court. Hereafter, this order will control the course of the trial and may not be amended except by consent of the parties and pleadings will be deemed merged herein. In the event of ambiguity in any provision of this order, reference may be made to the court's record of this conference and to the pleadings.

14. Possibility of settlement of this case was considered and:

15. The probable length of the trial of this case is \_\_\_\_ days.

16. The case is set down for trial (with)(without) a jury on the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, at \_\_\_\_ o'clock \_\_\_\_m.

Dated this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
District Judge

(Approvals)

APPENDIX C

Suggested Domestic Forms

NOTE: The following forms are set forth for the convenience of the Bar and are suggested for use in domestic matters. Counsel may combine, change or modify the forms as necessary.

FORM 1

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS

In the Matter of the Marriage of \_\_\_\_\_ )
and \_\_\_\_\_ ) Case No. \_\_\_\_\_

MOTION FOR EX PARTE INTERLOCUTORY ORDERS Pursuant to K.S.A. 60-1607(a)

- 1. The applicant is the (petitioner)(respondent) in this action and moves the Court to issue ex parte temporary orders providing for the temporary custody, residency and support of the parties' minor child(ren), and providing for temporary maintenance of the applicant during the pendency of this action.
2. Applicant further requests that the Court issue a restraining order with regard to the disposition of the property of the parties; providing for the use, occupancy, management and control of that property; and restraining the parties from molesting or interfering with the privacy or rights of each other.
3. A completed Child Support Worksheet and Domestic Relations Affidavit are attached to this motion.
4. The adverse party is not represented by counsel (or notice to counsel should be excused because: \_\_\_\_\_).
5. The proposed temporary orders do not change the existing residence or de facto custody of the minor child(ren).
6. These orders are necessary to provide for the parties' financial circumstances and the interests of their minor child(ren) during the pendency of this action.

\_\_\_\_\_  
Applicant

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

My Appointment Expires:

\_\_\_\_\_  
Notary Public

## FORM 2

(CAPTION)

### TEMPORARY CHILD CUSTODY AND SUPPORT ORDER

Now on this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, upon the verified motion of (petitioner)(respondent), the Court enters the following orders, to-wit:

1. The parties shall have joint custody of their minor child(ren), (names). However, due to the separation of the parties, temporary residence of the child(ren) shall be with the (petitioner)(respondent) subject to the rights of reasonable visitation by the other parent until further order of the Court. Any restraining order entered in this case is construed to permit reasonable access of the non-residential parent to exercise visitation.

2. (Petitioner)(Respondent) shall pay, through the Clerk of the District Court, temporary child support to the (petitioner)(respondent) in the amount of \$\_\_\_\_\_ per month beginning on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and temporary maintenance to the said (petitioner)(respondent) in the amount of \$\_\_\_\_\_ per month beginning on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, pending the trial of this action, unless hereafter modified by the Court.

3. Upon receipt, the Clerk shall pay out one (1)% of all child support payments to the Court Trustee Operations Fund and disburse the balance to (petitioner)(respondent).

4. Each party shall inform the Clerk of the District Court in writing of any change of name, residence and employer within seven (7) days after such a change.

5. This order is temporary in nature and may be modified upon application of either party. Each party is entitled to obtain counsel and the opportunity to present his or her views and evidence at a modification hearing or the trial of this action. The entry of this temporary order is not an indication of the Court's final decision on any issue in dispute.

6. Willful violation of this order may subject the offending party to sanctions for contempt of court.

\_\_\_\_\_  
District Judge

### FORM 3

(CAPTION)

#### TEMPORARY RESTRAINING ORDER

Now, on this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, upon the verified motion of (petitioner)(respondent), the Court finds that the statements contained in said motion are true and that a restraining order should be granted upon the terms and conditions set forth below. This is a temporary order and may be modified upon application of either party. Each party is entitled to obtain counsel and to have the opportunity to present his or her views and evidence at a modification hearing or the trial of this action. The entry of this temporary order is not an indication of the Court's final decision on any issue in dispute.

IT IS THEREFORE BY THE COURT ORDERED that:

1. Temporary possession of the parties' residence is awarded to (petitioner)(respondent). The (petitioner)(respondent) shall forthwith vacate the premises. Within twenty-four hours after service of this order, the (petitioner)(respondent) shall remove (his)(her) clothing and personal items in a reasonable manner and arrange to live elsewhere, until further order of the Court. The parties shall agree on sharing the use of their vehicles or obtain a court hearing if a suitable agreement cannot be reached.
2. Each party is restrained from interfering with the privacy or bothering the other at their place of residence, employment, or wherever they may be found. Use of threatening language in person or by telephone and violent physical actions will be considered direct violations of this order.
3. Each party is restrained from selling, encumbering or disposing of the parties' property, including withdrawing funds from checking or savings accounts (except for necessary living expenses or as directed by the Court).

4. This order is effective upon service until vacated or modified by Court order. Willful violation of this order may subject the offending party to sanctions for contempt of court.

---

District Judge

(Approval)

## APPENDIX D

### *GUIDELINES FOR PROPER BEHAVIOR OF SEPARATED PARENTS WITH CHILDREN*

TO HUSBAND AND WIFE: As you know, your children are usually the losers when their parents separate. They are deprived of the full time, proper guidance and direction that two parents can give them and that is necessary for their moral, spiritual and character growth.

Although there may be bitterness between you, it should not be inflicted upon your children. *Every child should and must have in their mind an image of two good parents.* Your conduct with your children in the future will be very helpful to them, if you follow these simple suggestions:

1. *Do not* poison your children's minds against either their father or their mother by discussing the shortcomings of your spouse with your children. This is extremely harmful to them.
2. If you become involved with a member of the opposite sex, remember that it may take some time before your children understand and accept this relationship. You might be advised to avoid inappropriate affection with that person when your children are with you.
3. *Do not* use your visitation as an excuse to continue arguments with your spouse.
4. Always remain sober and avoid excessive drinking when with your children. Never pick up or visit your children if you are not completely sober. Obviously, if you have a drinking problem, don't drink at all when with your children. BE HONEST WITH YOURSELF.
5. *Do not* visit your children at unreasonable hours.
6. *Do not* fail to notify your spouse as soon as possible if you are unable to keep your visitation, as this is

unfair to your children who will be expecting you. BE ADULTS and work out another agreeable time of visitation.

7. Make your visitation as pleasant as possible for your children by not continually questioning them regarding the activities of your spouse and by not making extravagant promises to them that you know you will not or cannot keep.

8. The parent with whom the children live must prepare the children, both physically and mentally, for the visitation and have them available at the time mutually agreed upon.

9. If one parent has plans for the children that conflict with the visitation and these plans are for the *best* interests of the children, BE ADULTS and work out this problem together.

10. TWO WRONGS DON'T MAKE A RIGHT. If your spouse is not complying with these guidelines or orders of the Court, this does not justify similar violations on your part. Resolve your problems through counsel or in court.

11. ALWAYS WORK FOR THE SPIRITUAL WELL BEING, HEALTH, HAPPINESS AND SAFETY OF YOUR CHILDREN.

## APPENDIX E

☞ While cleaning out some old files, I came across a tattered, yellowed copy of the 1891 Rules of the Court for the 13th Judicial District. Even though these rules are over one hundred years old, many could easily be substituted for our present-day rules. The old adage is true that no matter how much things change, the more they stay the same. The 1891 Rules, however, seem refreshingly uncomplicated when compared to the language in some of our current rules. It is much easier to devise a rule to prohibit the attorneys from eating fruit and nuts in the courtroom than it is to create procedures for expedited judicial process or court trustee programs.

I have included several of the old rules for the enjoyment of those members of our Bar who may have a historical interest in such matters. It is interesting to note that these rules suffer from "creeping gender-bias". Obviously the 1891 Court never dreamed of such a concept. Also, concern over courtroom security is nothing new. Note Rule I below.

- Judge Sanders

Rules of the Court  
adopted by the  
DISTRICT COURT  
of the  
13th Judicial District of the  
STATE OF KANSAS

---

To be in force from and after April 7, 1891.

---

### RULE I.

The sheriff in person, or by his under-sheriff, or a usual deputy, and the clerk in person, or by a usual deputy, shall be in constant attendance upon the sessions of the Court.

## **RULE II.**

It shall be the duty of the sheriff, or his attending under-sheriff, or deputy, to preserve order and decorum in the court room, and any negligent failure on his part to do so will subject him to punishment as for contempt of Court. When necessary the Court will direct the sheriff to appoint a bailiff to assist him in maintaining order and decorum in the Court room, who shall be liable to the same penalty for neglect of duty as is above prescribed in case of a like omission on the part of the sheriff, or his attending under-sheriff, or deputy.

For the purpose of enforcing order and decorum the sheriff, or his under-sheriff or deputy, or any bailiff, is authorized and required to suppress all unnecessary noise in, about or near the Court room which tends to interrupt the proceedings of the Court; to prevent all unnecessary whispering, talking, walking, or other noise or confusion in the Court room; to permit no one to smoke, eat fruit, nuts, or other edibles, or place his feet on the top of any table, or the back of any bench or chair, while in the Court room; and to attend to the speedy correction of all other discourteous practices which may be indulged in by any one in attendance on the Court.

## **RULE III.**

It shall be the duty of the clerk, or his attending deputy, to keep minutes of all the proceedings of the Court, and cause each day's proceedings to be properly recorded as of the date upon which they actually transpired, and such records must be kept up as nearly as may be with the progress of the proceedings in Court.

Attorneys desiring to furnish journal entries must have the same prepared and approved by opposing counsel, and if delivered to the clerk by the time he is ready to make his record, they shall be entered as the record of the case, provided they conform to the facts, and if they do not, the clerk himself shall make entries in accordance with the facts. In case where attorneys do not furnish entries by the time the clerk is ready to make his record, he shall make such entries himself.

While Court is in session, the clerk shall take attendance from witnesses and jurors outside the Court room.

#### **RULE VII.**

The Clerk shall keep a book to be denominated a Motion Docket. Upon filing any motions, he shall immediately note the fact on the Motion Docket under the title of the cause, and the time at which it was filed, and the name of the party and his attorney filing the same, and the nature of the motion as endorsed thereon.

Except where the law or the court shall require notice to be given, no notice of a motion made to the Court will be required when it has been filed and noted on the Motion Docket, as above provided, at least twenty-four hours before the hearing.

#### **RULE VIII.**

The Motion Docket shall be called on the second day of the term, and on Monday morning of each week thereafter, and on the last day of the term, at which times, all motions that have been docketed more than twenty-four hours, shall be heard, unless the Court shall otherwise order.

Motions shall not be heard at any other time except by consent, or unless such hearing be necessary before case can be tried, and there shall be no motion day intervening before day set for trial, or when specially set by the Court: -- Provided, that any motion may be heard on the last day of the term without regard to the time of filing, at the discretion of the Court.

\* \* \*

#### **RULE XIII.**

Any pleading, affidavit or other paper filed, that is so prepared, written, erased or interlined in any part as to be illegible, or the meaning ambiguous, may on motion be stricken from the files with leave on just terms to file a corrected paper. And no paper after filing shall be amended or changed by any interlineation except upon order of the Court, or the judge thereof, on notice to the adverse party; and the journal entry of such order shall state specifically the changes allowed.

#### **RULE XIV.**

The files of a case, or any paper therein, may be taken from the clerk's office only by permission of the clerk, and under such reasonable conditions as he may prescribe. This privilege shall be confined to practicing

attorneys who shall receipt for all papers so taken out of the clerk's office. Papers shall not be kept out of the clerk's office longer than absolutely necessary for use, and shall be returned immediately when required by the clerk; and a refusal or neglect to return papers when so required, may be considered contempt of Court.

**RULE XV.**

Attorneys when addressing the Court for any purpose whatever, shall stand in the bar, and speak in an audible voice, so as to be heard by all other attorneys in the bar.

**RULE XVI.**

But one attorney on each side, will be permitted to examine or cross-examine the same witness, except by leave of the Court.

**RULE XVII.**

Issues of law, other than those arising on motions, may be set for hearing on the third day of the term, and such other days as the Court may designate, which days shall be announced from the bench at least two days in advance; and on such days all issues of law shall be tried and disposed of, unless otherwise ordered. Issues of law shall not be tried at any other time, except by consent, or unless it shall be necessary to dispose of an issue of law to prepare a cause set for trial on an issue of fact, and no general day for law issues shall intervene; in which case, the court may specially set an issue of law for hearing.

**RULE XIX.**

Counsel desiring special instructions to be given to the jury must have the same prepared and present them to the court, at or before the conclusion of the evidence, and, if either party desires the general instructions of the Court in a civil cause to be in writing, he must make a request therefor, at or before the evidence is commenced, or his right to make such demand will be deemed to be waived.

**RULE XX.**

All general orders of the Court respecting the conduct of business of the Court while in session, shall be posted up by the clerk in the form of a bulletin in the Court room, convenient for the inspection of the bar; the clerk

shall also, each morning, at or before the opening of Court, post up in the same manner a list of the cases by their term numbers, which are for trial on that day as assigned by the Court, and of all cases undisposed of prior to that date in the order of their assignment.

\* \* \*

**RULE XXIV.**

Any criminal action in which the county attorney has not filed an information five days before the first day of the term, may be passed to the heel of the entire docket, or continued for the term, at the request of the defendant, if made by him or his attorney on the first call of the cause.

\* \* \*

**RULE XXVII.**

The sheriff shall summon the jury to appear at nine o'clock a.m., on the second day of the term.

And it is further ordered by the Court that all rules heretofore adopted by this Court be set aside and held for naught.

**M.G. Troup, Judge.**  
Winfield, Kansas

*(This page intentionally left blank)*