

IN THE SUPREME COURT OF THE STATE OF KANSAS

OFFICE OF JUDICIAL ADMINISTRATOR

Administrative Order No. 14

To: All Judges of the District Courts
Clerks of the District Courts

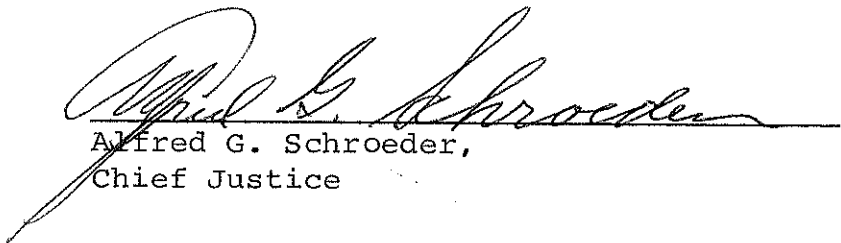
Re: K.S.A. 21-4610(k); K.S.A. 1978 Supp. 22-4513
Aid to Indigent Defendants

WHEREAS, the United States District Court has ruled that K.S.A. 1978 Supp. 22-4513 and K.S.A. 21-4610(k) are unconstitutional, and an injunction has been issued against the enforcement of the provisions of such statutes;

WHEREAS, an appeal by the State of Kansas to the United States Court of Appeals is being taken and a stay of the injunction is being sought;

The district courts are instructed to comply with the terms of the injunction, a copy of which is attached, until further order of this Court.

BY ORDER OF THE COURT this 9th day of May, 1979.


Alfred G. Schroeder,
Chief Justice

Attachment

FILED
MAY 10 10 20 AM '79
LEWIS G. CARTER
CLERK APPELLATE COURTS

FILED

MAY 3 1979

IN THE UNITED STATES DISTRICT COURT FOR
DISTRICT OF KANSAS

ARTHUR G. JOHNSON, Clerk
By /s/ Mellanie Drake Deputy

ILEY SIMMONS, et al., Plaintiffs

vs.

CASE NO. 77-2162

JAMES R. JAMES
Judicial Administrator
and the State of Kansas

Defendants

INJUNCTION

Now, on this 3rd day of May, 1979, this Court having read Plaintiff's Motion For Partial Summary Judgment and the Defendant's Motion For Summary Judgment, and having heard the arguments of counsel does hereby make the following findings:

1. K.S.A. 1978 Supp. 22-4513 and K.S.A. 21-4610(K) violates the plaintiffs' right to counsel as guaranteed to them by the Sixth Amendment to the United States Constitution.

2. K.S.A. 1978 Supp. 22-4513 and K.S.A. 21-4610(K) violates the plaintiffs' right to equal protection as guaranteed to them by the Fourteenth Amendment to the United States Constitution.

The Court, having made the preceding findings, does hereby order the following:

1. Plaintiffs' Motion For Partial Summary Judgment shall be sustained.

2. Defendants' Motion For Summary Judgment be denied.

3. That the State of Kansas, James R. James as the Judicial Administrator and their respective agents are hereby permanently enjoined from enforcing the provisions of K.S.A. 1978 Supp. 22-4513 and K.S.A. 21-4610(K). This injunction shall specifically prohibit but not be limited to the following:

A. Issuance of any notice to persons who have received the services of an appointed attorney or public defender that they owe money to the State of Kansas as a result of using the services

of an appointed attorney or public defender, pursuant to K.S.A. 1978 Supp. 22-4513 and K.S.A. 21-4610(K).

B. The entry of any judgment on any civil docket in the State of Kansas against any person who received the services of an appointed attorney or public defender pursuant to K.S.A. 1978 Supp. 22-4513 and K.S.A. 21-4610(K).

C. The receipt of any money paid as a result of any existing judgments on any civil docket in the State of Kansas against any person who received the services of an appointed attorney or public defender pursuant to K.S.A. 1978 Supp. 22-4513 and K.S.A. 21-4610(K).

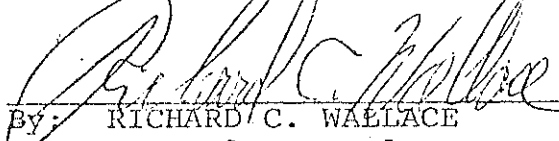
D. The execution of any judgment which has been entered on any civil docket in the State of Kansas as a result of the enforcement of K.S.A. 1978 Supp. 22-4513 and K.S.A. 21-4610(K).

IT IS SO ORDERED.

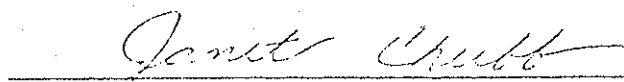

RICHARD D. ROGERS
UNITED STATES DISTRICT JUDGE

APPROVED:

WYANDOTTE COUNTY LEGAL AID SOCIETY


BY: RICHARD C. WALLACE
General Counsel
907 North 7th Street
Suite 909 Huron Building
Kansas City, Kansas 66101
(913) 621-0200

ATTORNEY FOR PLAINTIFFS


BY: JANET CHUBB
Kansas Attorney General's Office
State Office Building
Topeka, Kansas 66612

ATTORNEY FOR DEFENDANTS

IN THE SUPREME COURT OF THE STATE OF KANSAS

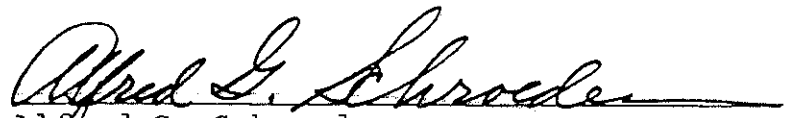
ORDER

To: Hon. Bert J. Vance, Administrative Judge 25th Judicial District Finney County Courthouse Garden City, Kansas 67846	Hon. Keaton G. Duckworth, Administrative Judge 26th Judicial District Morton County Courthouse Elkhart, Kansas 67950
--	--

Pursuant to the provisions of Section 3 of Administrative Order No. 10, dated December 1, 1978, approval is granted for the Twenty-fifth and Twenty-sixth judicial districts to combine their court services staffs into one unit. Court Services Officers of this combined unit are subject to assignment in all twelve counties of the two districts at the direction of the Court Services Supervisor.

This order will take effect July 1, 1979. On or before July 1, 1980, this arrangement of the combined court services unit of the Twenty-fifth and Twenty-sixth judicial districts shall be reviewed by the administrative judges of these districts and the Judicial Administrator and recommendations for modifications or continuation submitted.

BY ORDER OF THE COURT this 11th day of May, 1979.


Alfred G. Schroeder,
Chief Justice