



Administrative Order No. 34

Now on this 29th day of June 1982 comes on for consideration of the Court the Judicial Council's suggested procedure for discovery conference under Supreme Court Rule 136 and the comments thereto received by the Court after publication to the Kansas Bar Association, Kansas Trial Lawyers Association, and members of the State judiciary.

Thereupon, after review of Rule 136, the suggested procedure and comments received, the Court approves the following as a suggested procedure to aid trial judges in obtaining maximum benefit from discovery conferences under Rule 136:

Counsel have the obligation to resolve all discovery problems without the intervention of the trial court. However, a discovery conference under Rule 136 should be scheduled by the court as soon as possible after request or on its own motion, and ordinarily within 60 days after the case is filed.

Counsel for all parties shall attend the conference, preferably those lawyers in charge of the case, unless excused by the court. Counsel shall bring their appointment calendars.

At the discovery conference the attorneys shall be prepared to discuss:

1. Identification of the issues as they then appear, including those which are not in dispute;
2. Exchange of information on the issues including the possibility of obtaining stipulations and admissions of fact and of documents which will avoid unnecessary proof;
3. Possible joinder of additional parties;
4. Possibilities of settlement;

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5. Plan and schedule of discovery;
6. Any limitations to be placed on discovery;
7. Any other orders with respect to discovery in the case.

At the conclusion of the conference, the court shall enter orders:

1. Identifying the issues for discovery purposes;
2. Identifying the stipulations and admissions made, including facts not in dispute;
3. Establishing a plan and schedule for discovery, setting limitations, if any, and determining other matters as are necessary for the proper management of discovery in the case, including allocation of expenses;
4. Any other orders with respect to discovery in the case.

The court may combine the discovery conference with the pre-trial conference authorized by Rule No. 140.

BY ORDER OF THE COURT.


ALFRED G. SCHROEDER
Chief Justice



Supreme Court of Kansas

Kansas Judicial Center
Topeka, Kansas 66612

ALFRED G. SCHROEDER,
Chief Justice

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July 2, 1982

M E M O R A N D U M

TO: Administrative Judges
FROM: Chief Justice Schroeder
RE: Discovery Conference - Rule 136

Enclosed is a copy of Administrative Order No. 34 in which the Supreme Court has adopted a suggested procedure to be followed for Rule 136 discovery conferences.

Prior to adoption of the suggested procedure, it was reviewed by the Judicial Council, Supreme Court Standards Committee, Kansas Bar Association, Kansas Trial Lawyers Association and the State judiciary.

The members of the Supreme Court are of the opinion these suggested procedures will eliminate many of the problems encountered in managing discovery.

You are encouraged to implement the suggested procedure in your respective judicial districts.