

IN THE SUPREME COURT OF THE STATE OF KANSAS

ORDER

GENERAL AND ADMINISTRATIVE

RULE 1.03
JUDICIAL ADMINISTRATION

FILED
MAY 05 2014
CAROL G. GREEN
CLERK OF APPELLATE COURTS

Rule 1.03 is hereby amended to address the Kansas Open Records Act in the Judicial Branch, effective the date of this Order.

- (a) **Judicial Administrator's Duties.** The judicial administrator is responsible to the Supreme Court and must implement the Court's policies governing the operation and administration of the district and appellate courts under the supervision of the chief justice. The judicial administrator must:
- (1) examine the state of the district courts' dockets and report to the Supreme Court if the judicial administrator determines that a district court needs assistance;
 - (2) collect and compile statistics on all cases filed in each district and appellate court and annually submit to the Supreme Court a detailed report on the state of the courts' dockets;
 - (3) determine periodically for the district and appellate courts the number of pending cases, the number disposed of since the previous report, and any additional information about the courts' judicial business the judicial administrator or the Supreme Court deems necessary.
 - (4) make recommendations to the departmental justices about inter-district judicial assignments and assist the justices in making the assignments;
 - (5) supervise and examine the administrative methods and systems used in the district courts, including the offices of the clerks and other officers, and make recommendations to the Supreme Court for administrative improvements;
 - (6) assist the Supreme Court in the management of the judicial branch's fiscal affairs, including federal grants;
 - (7) coordinate judicial and nonjudicial personnel orientation and education; and
 - (8) perform any duty required by statute or assigned by the Supreme Court.

- (b) **Court Clerk's Duties.** The clerks of the district and appellate courts must promptly:
- (1) make required reports to the judicial administrator; and
 - (2) furnish information requested by the judicial administrator or a departmental justice on forms furnished by the judicial administrator and approved by the Supreme Court.
- (c) **Judicial Departments.** Pursuant to K.S.A. 20-318 *et seq.*, the State of Kansas is divided into the following six judicial departments:
- (1) Judicial Department No. 1 - Twelfth, Fifteenth, Seventeenth, Twenty-third, and Twenty-eighth judicial districts;
 - (2) Judicial Department No. 2 - Second, Third, Eighth, and Twenty-first judicial districts;
 - (3) Judicial Department No. 3 - First, Fourth, Seventh, Twenty-second, and Twenty-ninth judicial districts;
 - (4) Judicial Department No. 4 - Sixth, Tenth, Eleventh, Fourteenth, and Thirty-first judicial districts;
 - (5) Judicial Department No. 5 - Fifth, Ninth, Thirteenth, Eighteenth, Nineteenth, and Thirtieth judicial districts; and
 - (6) Judicial Department No. 6 - Sixteenth, Twentieth, Twenty-fourth, Twenty-fifth, Twenty-sixth, and Twenty-seventh judicial districts.
- (d) **Inter-district Assignment for Specific Case.** A departmental justice may assign a judge of the district court within that justice's department to hear or try a case in another district court within the department and may request the assignment of a judge of the district court from another department to hear or try a case.
- (e) **Inter-district Request for Assistance.** The chief judge of a judicial district may request the assignment of a judge of the district court from another judicial district by filing the request with the judicial administrator, who must promptly refer the request — with the judicial administrator's recommendation on the request — to the appropriate departmental justice for consideration.
- (f) **Retired Justice or Judge.** A departmental justice may recommend to the chief justice the assignment of a retired justice of the Supreme Court, judge of the Court of Appeals, or district judge to perform judicial duties in a district court in the department to the extent the retiree is willing to serve. The departmental justice of a judicial district makes

the recommendation to designate the retiree for service in the district. The chief justice may make the assignment.

(g) **Duty of Chief Judge of District Receiving Judicial Assistance.** A chief judge of a judicial district who requests and receives assistance from a judge of the district court from another district or from a retired justice or judge must — subject to the judicial administrator’s supervision:

- (1) refer cases to the assigned judge, giving preference to cases that are at issue and cannot be tried because of accumulation of business;
- (2) arrange courtroom accommodations for the assigned judge; and
- (3) designate a court employee to serve as contact for the assigned judge.

(h) **Kansas Open Records Act Administration.** *This subsection governs the administration of the Kansas Open Records Act, K.S.A. 45-215, et seq. (KORA), for public records maintained by district and appellate courts.*

(1) **Official Custodians.**

(A) *The public information director for the Kansas Supreme Court is the official custodian of public records maintained by the Kansas Supreme Court, Court of Appeals, and office of judicial administration, other than records described in subparagraph (B).*

(B) *The clerk of the Kansas appellate courts is the official custodian of public records maintained by the office of the clerk of the appellate courts.*

(C) *The chief judge of each judicial district must appoint a district court employee in each county to serve as the official custodian for that district court. The public information director for the Supreme Court will work with the official custodian in a district court to facilitate prompt responses to KORA requests.*

(2) **Procedure.** *The judicial administrator must establish procedures consistent with K.S.A. 45-220 to be followed to request access to and obtain copies of public records from a district or appellate court.*

(3) **Forms.** *The judicial administrator must develop forms to be used to make or respond to public records requests. The request forms must be available to the public on the Judicial Branch website at www.kscourts.org.*

(4) **Fees.**

- (A) *The judicial administrator must establish fees that may be imposed to provide access to or furnish copies of public records maintained by the Kansas Supreme Court, Court of Appeals, office of judicial administration, and the office of the clerk of the appellate courts.*
- (B) *The fees established under subparagraph (A) may include:*
- (i) *a fee for staff time required to provide access to or furnish copies of the records; and*
 - (ii) *a fee for time expended by a professional employee — such as an attorney, accountant, computer specialist, or similar employee — to research issues related to a records request.*
- (C) *If an official custodian of requested records determines help from a third party is required to respond to a records request — such as a request that requires reviewing or producing electronic records — the third party's charges for that help may be imposed.*
- (D) *A district court must prescribe reasonable fees for copying or certifying any paper or writ, as required by K.S.A. 28-170(a)3. A district court may impose the fees established by the judicial administrator if there is no local rule establishing fees for that district.*

BY ORDER OF THE COURT this 5 day of May, 2014.



Lawton R. Nuss
Chief Justice