

**RULE 13  
DUTY TO CONFER**

Unless otherwise ordered, the court will not entertain any motion to quash or modify a subpoena, any motion to order appearance or production only upon special conditions, or any motion under K.S.A. 60-226 or 237, unless counsel for the moving party has at least informally conferred or has made good faith effort to confer with opposing counsel concerning the matter in dispute prior to the filing of the motion. Counsel for the moving party shall file a certificate of compliance with this rule as a part of the motion describing the steps taken by all counsel to resolve the issues in dispute.

**RULE 14  
RULES REGARDING EXPERT WITNESSES**

At the case management conference, or thereafter, the Court may limit the number of expert witnesses to be called by each party to avoid repetition and unnecessary expense. As set forth in these rules the Court shall determine the time that identification of experts will be made by the parties.

At the time of nomination the parties shall comply with the provisions of K.S.A. 60-226(b)(6) with respect to the disclosure of expert testimony. A written report signed by the witness shall be furnished to all parties of record which shall contain a complete statement of all opinions to be expressed and the bases and reasons therefore. The disclosure shall include a current curriculum vitae setting out the qualifications of the expert and identifying all published and unpublished writings of the expert pertaining to the expert's opinions in the case. The disclosure shall also identify all other data, writings or exhibits upon which the expert relies upon to support his or her opinions in the case. Published writings may be identified by citation. Copies of the expert's unpublished writings shall be furnished with the report.

At the status conference, or thereafter, the Court shall explore with counsel the possibility of using alternative means of discovery of the opinions of expert witnesses, however, the parties shall retain the right to depose opposing experts.

Treating physicians may be identified as experts without the necessity of a full disclosure as set forth in this rule. However, if counsel anticipated using them for opinions other than uncontested causation, the nature and extent of the injury, and the reasonableness and necessity of medical treatment and expenses, then full disclosure as an expert shall be made. Lawyers have a right to interview a treating physician after the physician-patient privilege is waived by the filing of a lawsuit, provided the physician is supplied with a written consent waiving the privilege by the person holding the privilege or by order of the Court. A treating physician may be interviewed outside the presence of parties or other counsel, provided the treating physician consents to the interview.

In any case in which the condition of a patient, as defined by K.S.A. 60-427(a)(1), is an element or factor of the claim or defense asserted by or on behalf of the patient, the attorneys representing the parties may interview any treating health care provider, as defined by K.S.A. 40-3401, or their employees without leave of the court.

Lawyers may not interview any opposing expert witness who has been retained or specially employed by another party in anticipation of litigation or preparation for trial without either consent of counsel or order of the Court.

### **RULE 15 SETTLEMENT CONFERENCES**

Upon its own motion or upon the motion of a party to a civil action, the court may require the parties, their representatives and attorneys to appear for a settlement conference. The purpose of such a conference will be to explore the possibilities for settling the action and to propose suggestions to assist the parties in negotiation. The attorneys will initiate the scheduling of the settlement conference, which may be set in a court other than that to which a case is assigned or with a private mediator. Reasonable notice of the setting of the settlement conference shall be given to all parties at least five (5) days in advance of the conference. Each attorney shall be prepared to discuss the current position of his or her client with respect to settlement negotiations. No party shall be prejudiced at the trial of the action if settlement negotiations fail. Unless otherwise ordered the pretrial order shall be filed prior to the settlement conference.

### **RULE 16 EMINENT DOMAIN**

The petitioner in every eminent domain proceeding shall file an original and one copy of the petition. Petitioner shall also file a scale drawing or plat of the tract or tracts sought to be taken, which plat shall become a permanent part of the record in such proceedings. The original petition and the plat shall not be loaned out by the Clerk while the matter is pending; but the copy of the petition may be checked out pursuant to court rule.

Promptly upon the expiration of time for appeal, counsel for petitioner shall prepare an order for the distribution of funds for each tract upon which no appeal has been taken.

### **RULE 17 REQUESTED JURY INSTRUCTIONS**

- 17.1 **General.** Unless otherwise ordered by the Judge, any request for jury instructions and verdict forms, shall be presented in writing to the Court and served upon each adverse

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# LOCAL RULES

of the Court in the District of Columbia. The Court has the honor to announce the following Local Rules of the District of Columbia Court of Appeals, which shall take effect on the first day of the month of January, 1961.

Rule 1. **General Provisions.**

Rule 2. **Offices and Records.**

Rule 3. **Bar Admission and Reciprocity.**

Rule 4. **Media Coverage.**

11.8 **Assignment of Cases.**

Rule 6. **Consolidation and Dismissal.**

Rule 7. **Case Management.**

Rule 8. **Parties to Reconsideration.**

Rule 9. **Parties to Appeal.**

# THE DISTRICT

11.9 **Parties to Appeal.**

Rule 12. **Civil Case Management through Pretrial Conferences.**

Rule 13. **Discovery Conference.**

11.10 **Parties to Appeal.**

Rule 15. **Parties to Appeal.**

Rule 16. **Parties to Appeal.**

Rule 17. **Parties to Appeal.**

Rule 18. **Parties to Appeal.**

Rule 19. **Parties to Appeal.**

11.11 **Parties to Appeal.**

Rule 21. **Parties to Appeal.**

Rule 22. **Parties to Appeal.**

Rule 23. **Parties to Appeal.**

Rule 24. **Parties to Appeal.**

# NICHOLAS M. SMITH

Chief District Judge

11.12 **Parties to Appeal.**

Rule 26. **Parties to Appeal.**

Rule 27. **Parties to Appeal.**

Rule 28. **Parties to Appeal.**

Rule 29. **Parties to Appeal.**

11.13 **Parties to Appeal.**

Rule 31. **Parties to Appeal.**

Rule 32. **Parties to Appeal.**

11.14 **Parties to Appeal.**

Rule 34. **Parties to Appeal.**

Rule 35. **Parties to Appeal.**

11.15 **Parties to Appeal.**

Rule 36. **Parties to Appeal.**