

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

party no later than one (1) week prior to the commencement of trial. At the discretion of the judge assigned to the case counsel may be required to submit agreed instructions and verdict forms. Any proposed instructions that remain in dispute shall be ruled upon by the court. However, the Court may receive additional requests relating to questions arising during the trial at any time prior to the giving of final instructions. Pattern jury instructions may be requested by title and number. Requested instructions altering pattern jury instructions shall show the deleted text and the new language requested shall be underlined. Jury instructions based upon statutes or case law shall include the citation of authority at the end of the requested instruction.

- 17.2 **JURY QUESTIONNAIRES:** Jury Questionnaires will be available to counsel prior to trial dates. Requests for questionnaires should be made to the clerk. Questions asked and answered on the juror questionnaire shall not be repeated in voir dire examination.

RULE 18 CASES RESULTING IN JUDICIAL SALE

In all cases resulting in judicial sale it shall be the responsibility of the party granted said sale to prepare the Motion and Order Confirming Sale, Sheriff's return and /or certificate of purchase and the Sheriff's Deed. Further, it shall be the duty of said party to prepare and provide any other document which the clerk reasonably requests to effect conclusion of the case such as Order to Pay Out and the like.

RULE 19 CIVILITY

A lawyer shall avoid taking action adverse to the interest of a litigant known to be represented without timely notice to opposing counsel unless *ex parte* proceedings are permitted.

A lawyer shall promptly return telephone calls and answer correspondence from other lawyers.

A lawyer shall respect opposing counsel's schedule by seeking agreement on deposition dates and court appearances (other than routine motions) rather than merely serving notice.

A lawyer shall avoid making ill considered accusations of unethical conduct toward an opponent.

A lawyer shall not engage in intentionally discourteous behavior.

A lawyer shall not intentionally embarrass another attorney and shall avoid

