

RULES RELATING TO DISTRICT COURTS

REPORT OF SUPREME COURT STANDARDS COMMITTEE

The attached report, adopted by the Supreme Court Standards Committee on October 24, 1980, was adopted by the Supreme Court, effective December 11, 1980, as a statement of the goals of the Kansas judicial system and of the general principles and time standards to be used as guidelines for the processing of cases by the District Courts of this State.

GENERAL PRINCIPLES AND GUIDELINES FOR THE DISTRICT COURTS

- (1) We approve the credo of the Joint Committee for the Effective Administration of Justice adopted in the 1960's as a general statement of the goals and purposes of the Kansas Judicial System.

Justice is effective when it is:

- (A) *Fairly administered without delay*
With all litigants, indigent and otherwise, and especially those charged with crime, represented by competent counsel,
 - (B) *By Competent Judges*
Selected through non-political methods based on merit,
In sufficient numbers to carry the load,
Adequately compensated, with fair retirement benefits,
With security of tenure, subject to an expeditious method of removal for cause,
 - (C) *Operating in a Modern Court System*
Simple in structure, without overlapping jurisdictions or multiple appeals,
Businesslike in management with nonjudicial duties performed by a competent administrative staff,
With practical methods of equalizing the judicial workload,
With an annual conference of the judges for the purpose of appraising and improving judicial techniques and administration,
 - (D) *Under Simple and Efficient Rules of Procedure*
Designed to encourage advance trial preparation,
Eliminate the element of surprise,
Facilitate the ascertainment of truth,
Reduce the expense of litigation,
And expedite the administration of justice.
- (2) Litigation delay causes litigants expense and anxiety. Judges and lawyers have a professional obligation to avoid misuse and overuse of discovery and to terminate litigation as soon as it is reasonably possible to do so.
 - (3) The ultimate judicial goal should be justice, not speed, in the disposition of cases. Cases should be determined on an individual basis, not on an assembly line. Litigants and counsel

should be afforded a reasonable time to prepare and present their cases.

- (4) No case should be permitted to float in the system. It is the responsibility of the trial judge assigned the case to take charge of the case at an early date in the litigation and to control the progress of the case thereafter until the case is determined.
- (5) There should be time standards established *as a guide* for the disposition of cases, with the understanding that the system must have flexibility to accommodate the differences in the complexity of cases and the different problems arising in urban and rural judicial districts. A certain amount of delay may be necessary in an individual case.
- (6) Assuming adequate trial court staffing and facilities, trial court delay, *i.e.*, unnecessary waiting time, is not inevitable. The pace of litigation is not necessarily determined by court size, individual case loads, or the percentage of cases that go to trial.
- (7) The pace of litigation is often the result of "local legal culture" rather than court procedures, case load, or backlog. Local legal culture consists of the established expectations, practices, and informal rules of behavior of judges, attorneys and the public.
- (8) The most effective way of combating court delay is to modify the local legal culture by the adoption and use of a case management system. The basic concept of case management is that the court, rather than the attorneys, should control the pace of litigation. It is the duty of the judge to the people to run the court and not abdicate the responsibility to counsel.
- (9) An effective case management system requires that specific steps be taken to monitor and control the pace of litigation. Among these are the following:
 - (A) Early and continuous control of the court calendar by the judge;
 - (B) Identifying cases subject to alternative dispute resolution processes;
 - (C) Developing rational and effective trial-setting policies;
 - (D) Applying a firm continuance policy. Trial continuances should be few; good cause should be required, and all requests should be heard and resolved by a judge;
 - (E) Older cases should be emphasized and ordinarily given priority in trial settings;
 - (F) A useful and efficient information system should be available to identify cases that are at variance with the suggested time standards and to provide a continuing evaluation of the system as a whole.
- (10) The judges and the lawyers of Kansas should work together with interested citizens to monitor the workings of the judicial system in the state and each judicial district. They should explore methods of improvement, keep the public informed of the operation of the courts, and seek public suggestions and support for the improvement of the judicial system.

TIME STANDARDS

- (1) All Chapter 60 civil cases, except domestic relations cases, should ordinarily be set for an

initial case management conference within forty-five (45) days of the filing of an answer to explore prospects for settlement, a time schedule for completion of discovery, and the setting of a date for a pretrial conference and for trial;

- (2) Any civil case which has been pending for more than one-hundred-eighty (180) days shall be of special concern to the trial judge and should ordinarily be given priority in all trial settings.
- (3) The trial judge to whom cases are assigned should be responsible for the disposition of those cases and should, so far as reasonably possible, bring them to trial or final disposition in conformity with the following median time standards:

Civil Cases

Chapter 61 Cases--to final disposition, within a median time of sixty (60) days from date of filing.

Chapter 60 Cases--

Non-Domestic Civil--to final disposition, within a median time of one-hundred-eighty (180) days from date of filing.

Domestic Relations--to final disposition, within a median time of one-hundred-twenty (120) days from date of filing.

Chapter 59 Cases--(Probate and administration of estates--to final disposition, within a median time of one year from date of filing.

Criminal Cases

Felony--to trial or plea, within a median time of one-hundred-twenty (120) days from date of first appearance.

Misdemeanor--(excluding traffic)--to trial or plea, within a median time of sixty (60) days from date of first appearance.

Traffic--to trial or plea, within a median time of thirty (30) days from date of filing.

The term "median" as used in these time standards means that at least 50% of the cases subject to judicial determination are tried or disposed of within the established time standards.

- (4) When a report of the Judicial Administrator shows that a civil case has been pending for more than two years, such case shall be given priority over all subsequently filed cases and the chief judge should report the reason for delay in disposition to the departmental justice.

- (5) In every judicial district in the state, there should be established a bench-bar committee composed of judges and lawyers to monitor the operation of the courts in the district, to develop programs for improvement of court services, and to formulate and carry on a continuing educational program to inform the citizens in the district about the functions and operations of the courts and the basic liberties and freedoms guaranteed by our form of government.
- (6) In the setting of cases for trial, a trial judge shall respect and accede to a prior prime or firm setting of a case in another court involving the same attorney or attorneys. Trial judges shall cooperate in resolving conflicts in trial settings as the interests of justice may require. In resolving conflicts in trial settings, jury cases should ordinarily take precedence over nonjury cases.

[History: New section (6) under Time Standards effective July 1, 1982; (1) Am. effective March 11, 1999; Am. effective September 8, 2006.]