

APR 30 2015

RULES OF COURT FOR THE SECOND JUDICIAL DISTRICT
STATE OF KANSASHEATHER L. SMITH
CLERK OF APPELLATE COURTS

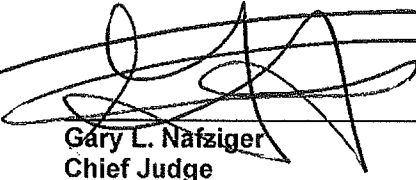
JACKSON, JEFFERSON, POTTAWATOMIE AND WABAUNSEE COUNTIES

1. **Cases Filed.** Cases filed in the District Court of each county will be assigned for disposition or trial initially as follows:
 - (a) All cases which the District Magistrate Judge has jurisdiction to hear and determine will be assigned to the District Magistrate Judge.
 - (b) All other cases will be assigned to a District Judge.
2. **Reassigned Cases.** Cases will be reassigned for disposition or trial from the District Magistrate Judge to a District Judge as follows:
 - (a) If a jury trial is demanded by a party as of right, the case will be reassigned to a District Judge or District Judge Pro Tem.
 - (b) Upon motion of a party, or of the District Magistrate Judge, for good cause shown and with consent of a District Judge, a case may be reassigned to a District Judge for determination of the entire case.
 - (c) A District Judge may direct that a case be transferred to a District Judge for determination.
3. **Assignment of District Magistrate Judge.** The Chief Judge may assign a District Magistrate Judge from any county within the district to hear and determine any case pending before a District Magistrate Judge of any other county of the district.
4. **Court Days.** Court days in each county for the District Judge will be on file in the office of the Clerk of the District Court.
5. **Hearing of Motions.** Motions may be noticed for hearing at 9:00 a.m. of any regular court day. All pending motions not otherwise noticed will be set for hearing at 9:00 a.m. on the next regular court day following required passage of time.
6. **Appearances of Defendants in Felony Cases.** Defendants in all felony cases will appear in person for arraignment at 9:00 a.m. on the day required by law. Failure to so appear will result in bond being forfeited and a bench warrant issued for the arrest of the Defendant unless otherwise directed by the Court.
7. **Time Court Opens.** Jury trials will commence at 9:00 a.m. and trials to the Court will commence at 9:00 a.m. unless another time is specified.
8. **Scheduling/Discovery Conference.** To expedite processing and disposition of litigation and to minimize expense and conserve time, a telephone scheduling and discovery conference may be scheduled by the District Judge pursuant to Supreme Court Rule 136 as soon as possible after a case is filed. This Rule applies to all Chapter 60 civil matters and to such other cases that the assigned Judge determines may be expedited by such conference. The Court may require the parties to make reimbursement for any telephone charges incurred by the Court, or the Court may tax same as costs in the case.
9. **Alternate Dispute Resolution.** Alternate Dispute Resolution in all contested Chapter 60 civil cases, including domestic cases and Chapter 61 civil cases are as a matter of policy the preferred method for resolution of such cases and may in the discretion of the assigned Judge be ordered as a prerequisite to trial.
10. **Pretrial Conference.** Generally, pretrial conferences in civil cases will be set for hearing approximately four months following the scheduling conference. Should a party fail to appear in person or by attorney for pretrial conference after notice, an ex parte hearing may be held, appropriate orders or judgment entered, or the case may be dismissed. Counsel shall complete and file a pretrial questionnaire prior to the pretrial setting forth the information necessary to allow the pretrial conference to be conducted in accordance with the procedural steps outlined in Supreme Court Rule 140(g).
11. **Juror Questionnaires.** Juror questionnaires, in the form set forth in Supreme Court Rule 167, will be mailed to prospective jurors at the time jurors are summoned and held in a proper file by the Clerk when returned. Except as otherwise ordered by the Court, for good cause shown, only a judge, attorney, or a party to litigation to be heard by the jury

- will be permitted access to questionnaires returned by jurors. Except as otherwise permitted by the Court for good cause shown, voir dire examination of jurors in civil cases will not include questions that are asked and answered on the questionnaire.
12. **Service of Process.** All Service of Process Pursuant To K.S.A. 60-303© **SHALL BE SUPPLIED AND PREPARED BY COUNSEL.** The Clerk of the Court will issue such process as per counsel's written request and direction. This is to include all summons, subpoenas, garnishments and attachments, income withholding orders, executions, special executions, aid in executions, and contempt citations.
 13. **Use of Courtroom and Court Facilities.** The use of Courtrooms and Court facilities other than for the purposes associated with conducting the Court's business is subject to the approval of the Chief Judge or the Judge assigned to that Division.
 14. **Extended Jurisdiction Juvenile Prosecution.** Upon designation as an extended jurisdiction juvenile prosecution pursuant to K.S.A. 38-1636(f) (2), proceedings shall be transferred forthwith to the Criminal Assignment Judge for scheduling in due course within the adult criminal process. The Respondent shall be entitled to the full protection of the Kansas Code of Criminal Procedure. The Criminal Assignment Judge shall schedule pretrial and such further hearings as necessary to facilitate trial by jury and timely prosecution of the pending charges. Upon conviction, the case may, at the discretion of the District Judge who handled the criminal matter, be transferred to the Juvenile Division for imposition of sentence in compliance with K.S.A. 38-1663 and K.S.A. 38-16,126.
 15. **Vouchers for Legal Services to Indigents.** Due to local budget constraints, it is necessary to process vouchers for indigent defense services to be paid by county budget in a timely fashion. Vouchers for such services must therefore be submitted to the office of the Clerk of the Court of the county in which such services were rendered within 90 days from the date such services were rendered. Unless excused for good cause by the Judge in the case, vouchers submitted outside that time frame will not be approved for payment by the Court.
 16. **Conflicts of Settings Between Courts or Judges Within the District.** Conflicts in settings shall be resolved with priority given to the case docketed with the earliest Register of Action (ROA) unless otherwise agreed between Counsel and the Court.
 17. **E-Mail.**
E-mail directed to the Clerk of the District Court shall be opened with the daily mail copied and processed in the same manner.
 18. **Research and Advice.**
Court personnel are prohibited from doing records research, providing legal opinions, or giving legal advice.
 19. **Court Record and Transcripts.**
The official record is the transcript of any proceedings prepared by a court reporter or other certified court reporters or court transcriptionists. No attorneys' parties, or other persons will be allowed to listen to recordings of court proceedings. All requests for transcripts thereof are to be made directly to the court reporter who will provide an estimate of costs thereof and receive deposits therefor before the transcripts are prepared. This conforms to standard procedures in other counties including Shawnee and Johnson Counties.
 20. **Court Files.**
Files are not to be checked out or removed from the District Court office. They are to be viewed and/or copied at the coin-op copier in the District Court office.

THE ABOVE RULES ARE ADOPTED FOR THE SECOND JUDICIAL DISTRICT OF KANSAS AND ARE EFFECTIVE APRIL 27, 2015. ALL PRIOR RULES ARE ABOLISHED.

DATED: April 27, 2015



Gary L. Nafziger
Chief Judge