

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 10-01

ORDER APPOINTING DISTRICT COURT HEARING OFFICER

Pursuant to K.S.A. 23-492 *et seq.* and Supreme Court Rule No. 172, James George is hereby appointed as District Court Hearing Officer of the 7th Judicial District to serve from January 2, 2010 through January 1, 2011. This appointment authorizes James George to hear all matters set out in the section of the Seventh Judicial District Local Court Rules pertaining to the District Court Hearing Officer and to exercise all powers and duties set forth therein as belonging to the District Court Hearing Officer.

In accordance with the limitations and procedures prescribed by law, and subject to any rules of the Supreme Court relating thereto, any appeal permitted to be taken from an order or final decision of the District Court Hearing Officer shall be tried and determined in a de novo hearing by a district judge; provided that, in civil cases where a record was made of the proceeding before the District Court Hearing Officer, the appeal shall be tried and determined on the record by the assigned district judge. The chief judge will assign each appeal to a district judge to hear pursuant to local court rule.

IT IS SO ORDERED this 2nd day of January, 2010.

Robert W. Fairchild
Chief Judge

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 010-02

ORDER APPOINTING JUDGE PRO TEM

Pursuant to K.S.A. 2008 Supp. 20-310a (d) & (e) James George is hereby appointed as judge pro-tem of the 7th Judicial District to serve from January 2, 2010 through January 1, 2011. This appointment authorizes James George to hear original trials filed pursuant to the Small Claims Procedures Act and other actions within the jurisdiction of a district magistrate judge as provided by K.S.A. 2008 Supp. 20-302b. The chief judge will assign the cases to be heard and the duties to be performed by the judge pro tem.

In accordance with the limitations and procedures prescribed by law, and subject to any rules of the Supreme Court relating thereto, any appeal permitted to be taken from an order or final decision of the judge pro tem shall be tried and determined in a de novo hearing by a district judge; provided that, in civil cases where a record was made of the proceeding before the judge pro tem, the appeal shall be tried and determined on the record by the assigned district judge. The chief judge will assign each appeal to a district judge to hear pursuant to local court rule.

IT IS SO ORDERED this 2nd day of January 2010.

Robert W. Fairchild
Chief Judge

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

**ADMINISTRATIVE ORDER NO. 10-03
ORDER APPOINTING JUDGE PRO TEM**

Pursuant to K.S.A. 2008 Supp. 20-310a, Max Kautsch, a regularly admitted member of the bar of this state, is hereby appointed as judge pro-tem of the 7th Judicial District to hear all small claims cases during calendar year 2010. This appointment shall be effective during the period beginning January 2, 2010 and ending January 1, 2011.

IT IS SO ORDERED this 2nd day of January, 2010.

Robert W. Fairchild
Chief Judge

cc: Judges
Max Kautsch
Douglas Hamilton
Linda Koester-Vogelsang

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 10-04

The following attorneys are appointed to serve on the juvenile panel for the Seventh Judicial District for calendar year 2010:

Shelley Bock
Juanita Carlson
Hatem Chahine
Jodi Meyer
Martin Miller
Craig Stancliffe

During this period members of the juvenile panel shall represent parties when appointed by the court in matters arising under the Kansas Parentage Act (K.S.A. 38-1110 *et seq.*, and amendments thereto), the Revised Kansas Code for Care of Children (K.S.A. 2008 Supp. 38-2201 *et seq.*, and amendments thereto), and the Revised Kansas Juvenile Justice Code (K.S.A. 2008 Supp. 38-2301 *et seq.*, and amendments thereto).

This order is made and is effective this 2nd day of January 2010.

Robert W. Fairchild
Chief Judge

cc: Judge Pokorny
Judge Shepherd
Judge Malone
Judge Martin
Judge Six
Hon Peggy Kittel
Linda Koester-Vogelsang
Doug Hamilton
Juvenile Panel Members

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 10-05

ORDER APPOINTING JUDGE PRO TEM

Pursuant to K.S.A. 2008 Supp. 20-310a (d) & (e) Juanita Carlson is hereby appointed as judge pro-tem of the 7th Judicial District to serve from January 2, 2010 through January 1, 2011. This appointment authorizes Juanita Carlson to hear original trials filed pursuant to the Small Claims Procedures Act and other actions within the jurisdiction of a district magistrate judge as provided by K.S.A. 2008 Supp. 20-302b. The chief judge will assign the cases to be heard and the duties to be performed by the judge pro tem.

In accordance with the limitations and procedures prescribed by law, and subject to any rules of the Supreme Court relating thereto, any appeal permitted to be taken from an order or final decision of the judge pro tem shall be tried and determined in a de novo hearing by a district judge; provided that, in civil cases where a record was made of the proceeding before the judge pro tem, the appeal shall be tried and determined on the record by the assigned district judge. The chief judge will assign each appeal to a district judge to hear pursuant to local court rule.

IT IS SO ORDERED this 2nd day of January 2010.

Robert W. Fairchild
Chief Judge

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

**ADMINISTRATIVE ORDER 10-06
ORDER ESTABLISHING PANELS OF ATTORNEYS TO REPRESENT
INDIGENT DEFENDANTS**

The attorneys named on the lists attached hereto are appointed to serve on the misdemeanor and felony panels for representation of indigent defendants for the Seventh Judicial District for the period beginning January 2, 2010 and ending January 1, 2011.

This order is made and is effective this 2nd day of January 2010.

Robert W. Fairchild
District Judge, Division 1

Sally Pokorny
District Judge, Division 2

Jean F. Shepherd
District Judge, Division 3

Michael J. Malone
District Judge, Division 4

Paula B. Martin
District Judge, Division 5

Peggy C. Kittel
District Judge, Division 6

cc: Doug Hamilton

2010 FELONY PANEL

Babbit, Kevin	841-8282	1425 Oread West, Ste 105, Lawrence, KS
Bell, Branden	856-5055	123 W. 8 th St., Ste 310, Lawrence, KS
Bellemere, Julia	760-1883	P.O. Box 1937, Lawrence, KS
Billam, Jason B.	979-6428	1012 Mass. St., Ste 211, Lawrence, KS
Bock, Shelley	856-8100	1046 New Hampshire, Lawrence, KS
Carlson, Juanita	749-5986	1046 New Hampshire, Ste.# 52, Lawrence, KS
Chahine, Hatem	979-1850	843 New Hampshire., Lawrence, KS
Clarke, Michael	832-2181	1040 New Hampshire; Lawrence, KS
*Collister, Edward	842-3126	3311 Clinton Pkwy. Ct., Lawrence, KS
Crews, Napoleon	856-5562	3300 Clinton Pkwy Crt, Ste 010, Lawrence, KS
*Davidson, Angela	785.410.5685	P.O. Box 314, Manhattan, KS 66505
Gilroy, J.C.	856-2755	1046 New Hampshire, Lawrence, KS
Griffy, Skip	842-0040	901 Kentucky, Ste 107, Lawrence, KS
Henderson, Courtney	979-6428	1012 Mass. St., Ste 211, Lawrence, KS
Huff, Kay	832-1944	1040 New Hampshire, Lawrence, KS
Johnson, John	856-3956	3120 Mesa Way, Lawrence, KS
Johnson, Thomas	843-0450	P.O. Box 485, Lawrence, KS
Kautsch, Max	840-0077	16 East 13 th St., Lawrence, KS
Keck, Angela R.	(888)782-9720	719 Mass., Ste 119, Lawrence, KS
Kerns, John	856-2228	708 West 9 th Street; Suite 211; Lawrence KS
Kunen, Jessica	832-1606	1046 New Hampshire, Lawrence, KS
Lee, Clinton	841-9477	128 Sharon Dr., Lawrence, KS
Robinson, Greg	979-1180	3915 W. 10 th Circle, Lawrence, KS
Rumsey, James	856-3264	840 Connecticut Street; Suite C, Lawrence KS
Sheridan, Michael	845-8010	631 Alabama; Lawrence, KS
Smith, Branden	856-0780	P.O. Box 1034, Lawrence, KS
Stancliffe, Craig	842-6432	1244 Rhode Island, Lawrence, KS
Swain, Sarah G.	842-2787	4106 W. 6 th , Ste B., Lawrence, KS
White, Scott	749-5550	1012 Mass. St., Ste 214, Lawrence, KS
Whitman, Charles	843-4353	P.O. Box 1, Lawrence, KS 66044

*Appeals and 1507 cases only (Davidson on conflicts)

2010 NON-FELONY PANEL

Babbit, Kevin	841-8282	1425 Oread West, Ste105, Lawrence, KS
Barnhill, Curtis	856-1628	719 Mass., Ste. 120, Lawrence, KS
Bell, Branden	856-5055	123 W. 8 th St., Ste 310, Lawrence, KS
Bellemere, Julia	760-1883	P.O. Box 1937, Lawrence, KS
Bock, Shelley	856-8100	1046 New Hampshire, Lawrence, KS
Bolton, Andrew	843-0450	P.O. Box 485, Lawrence, KS
Butler, Julia	841-4700	P.O. Box B, Lawrence, KS
Carlson, Juanita	749-5986	1046 N.H., Ste. 52, Lawrence, KS
Chahine, Hatem	979-1850	16 E. 13 th St., Lawrence, KS
Crews, Napoleon	856-5562	3300 Clinton Pkwy Crt, Ste 10, Lawrence
Emert, Mark	331-0300	900 Mass., Ste 601, Lawrence, KS
Gilroy, J.C.	856-2755	1046 New Hampshire, Lawrence, KS
Griffy, Skip	842-0040	901 Kentucky, Lawrence, KS
Hall, Adam	842-3126	3311 Clinton Pkwy. Ct., Lawrence, KS
Hatton, Erin	856-6449	2904 Oxford Rd., Lawrence, KS
Johnson, Brian	841-0694	1417 Marilee Dr., Lawrence, KS
Johnson, John	856-3956	3120 Mesa Way, Lawrence, KS
Kautsch, Max	840-0077	16 E. 13 th St., Lawrence, KS
Kerns, John W.	856-2228	708 W 9 th ; Ste 211, Lawrence, KS
Kennedy, Erin	218-3019	1630 Barker Ave., Lawrence, KS
Kunen, Jessica	832-1606	1046 New Hampshire, Lawrence, KS
Lee, Clinton	841-9477	128 Sharon Dr., Lawrence, KS
Luce, Hudson	841-2389	600 Ohio, Lawrence, KS
Peoples, Chris	841-4700	P.O. Box B, Lawrence, Ks
Peter, Julia	979-2000	P.O. Box 1421, Lawrence, KS 66044
Riling, Bobbie Lee	841-4700	P.O. Box B, Lawrence, KS
Robinson, Gregory	979-1180	3915 W. Tenth Circle, Lawrence, KS
Rumsey, James	856-3264	840 Connecticut, Suite C; Lawrence, KS
Sheridan, Michael	845-8010	631 Alabama, Lawrence, KS
Smith, Branden	856-0780	719 Mass, Ste 126, Lawrence, KS
Stancliffe, Craig	842-6432	1244 Rhode Island, Lawrence, KS
Steffens, Chris	550-3134	521 Lyon, Lawrence, KS 66044
Thadani, Karan	856-3956	3120 Mesa Way, Ste C, Lawrence, KS
Todd, Matthew	843-6600	P.O. Box 667, Lawrence, KS 66044
White, Keith	842-2010	1319 Iowa St., Lawrence, KS
White, Scott	749-5550	1012 Mass. St., Ste 214, Lawrence, KS
Whitman, Charles	843-4353	P.O. Box 1, Lawrence, KS 66044

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 10-07

ORDER APPOINTING TEMPORARY CHIEF JUDGE

Due to the absence of the chief judge from the State of Kansas, Jean F. Shepherd is hereby appointed as the temporary chief judge of the 7th Judicial District to serve from January 7, 2010 through January 11, 2010, inclusive.

IT IS SO ORDERED this 6th day of January 2010.

Robert W. Fairchild
Chief Judge

Cc: Linda Koester-Vogelsang
Douglas Hamilton

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 10-08

**DOCKET ENTRIES AND/OR CERTIFICATION OF COMPLETION OF
UNSUPERVISED PROBATION**

For all criminal and traffic cases in which the district court judge placed the defendant on unsupervised probation for a specific number of months and for which 1) the term of the probation has expired, and 2) there is no record in the file that the probation has been revoked, the Clerk of the District Court is hereby authorized to enter a notation on the record of the docket of the case and/or to certify to a person or entity that requests such certification that such defendant has successfully completed his or her unsupervised probation.

This order is made and is effective this 8th day of February 2010.

Robert W. Fairchild
Chief Judge

cc: Judges
Doug Hamilton
Linda Koester-Vogelsang

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 10-09

The following attorney is removed from the juvenile panel for the Seventh
Judicial District:

Shelley K. Bock

Mr. Bock shall give the original of his files for all the juvenile offender and
child in need of care cases which are currently pending to Judge Shepherd within
7 days of this order.

This order is made and is effective this 1st day of March 2010.

Robert W. Fairchild
Chief Judge

cc: Judge Pokorny
Judge Shepherd
Judge Malone
Judge Martin
Judge Six
Hon Peggy Kittel
Linda Koester-Vogelsang
Doug Hamilton
Shelley K. Bock

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 10-10

The following attorney is added to the juvenile panel for the Seventh
Judicial District:

Napolean Crews

This order is made and is effective this 22nd day of March 2010.

Robert W. Fairchild
Chief Judge

cc: Judge Pokorny
Judge Shepherd
Judge Malone
Judge Martin
Judge Kittel
Judge George
Linda Koester-Vogelsang
Doug Hamilton
Napolean Crews

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 10-11

ORDER APPOINTING COUNSEL TO PROTECT CLIENTS' INTERESTS

Arthur Tripp Anderson, an attorney practicing in the Seventh Judicial District, has recently died. It is necessary to appoint an attorney to protect the interests of his clients. Pursuant to Supreme Court Rule 221, B. Kay Huff, an attorney licensed to practice in the State of Kansas, is appointed to inventory the files of Arthur Tripp Anderson and to take such action as may be necessary to protect the interests of Mr. Anderson's clients.

Ms. Huff is directed to not disclose any information contained in the inventoried files other than that which is necessary to carry out the order of this court.

The Clerk of the District Court of Douglas County is directed to send a copy of this order to the Clerk of the Supreme Court, Departmental Justice Eric Rosen, Disciplinary Administrator Stanton Hazlett, and all local practicing attorneys. The Clerk shall also post a copy of this order in a conspicuous place in the Office of the Clerk of the District Court.

This order is made and is effective this 15th day of April 2010.

Robert W. Fairchild
Chief Judge

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 10-12

In all traffic and criminal cases, including juvenile and fish and game cases, unless otherwise ordered by the judge, payments shall be disbursed according to the following priorities:

1. Judicial branch emergency surcharge;
2. Appropriate portion of payment applied to Court Trustee fee collection if assessed;
3. ADSAP fees;
4. Restitution owing in the case for which payment is made; and
5. Court Costs, fines, attorneys fees and other fees that are owing in the case for which payment is made, applied as required by Supreme Court Administrative Order No. 41.

This order replaces Administrative Order No. 04-12, which order is hereby rescinded. This order is made and is effective this 19th day of May 2010.

Robert W. Fairchild
Administrative Judge

cc: Judges
Linda Koester-Vogelsang
Doug Hamilton
Katy Nitcher
Charles Branson

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 10- 13

ASSIGNMENT OF PROTECTION FROM ABUSE AND STALKING CASES

All Protection From Abuse and Protection From Stalking cases shall be assigned to the divisions and for the weeks in 2010 set forth on the attached schedule. During the assigned week the judge of the assigned division will review all petitions, issue temporary orders and set all petitions for a hearing in that division.

IT IS SO ORDERED this 15th day of June, 2010.

Robert W. Fairchild
Chief Judge

Cc: Judges
Linda Koester-Vogelsang
Douglas Hamilton
Katherine Shaw

PFA/PFS DUTY JUDGE SCHEDULE
JULY 2010-JANUARY 2011

Week	Assigned Judge
7/2-7/9	Judge Kittel
7/9-7/16	Judge Shepherd
7/16-7-23	Judge Kittel
7/23-7/30	Judge Pokorny
7/30-8/6	Judge Kittel
8/6-8/13	Judge Shepherd
8/13-8/20	Judge Pokorny
8/20-8/27	Judge Shepherd
8/27-9/3	Judge Pokorny
9/3-9/10	Judge Shepherd
9/10-9/17	Judge Kittel
9/17-9/24	Judge Pokorny
9/24-10/1	Judge Kittel
10/1-10/8	Judge Pokorny
10/8-10/15	Judge Shepherd
10/15-10/22	Judge Kittel
10/22-10/29	Judge Pokorny
10/29-11/5	Judge Shepherd
11/5-11/12	Judge Kittel
11/12-11/19	Judge Shepherd (coverage needed on 11-19)
11/19-11/26	Judge Pokorny
11/26-12/3	Judge Kittel
12/3-12/10	Judge Pokorny
12/10-12/17	Judge Shepherd
12/17-12/24	Judge Kittel
12/24-12/31	Judge Shepherd

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 10-14

ORDER APPOINTING TEMPORARY CHIEF JUDGE

Due to the absence of the chief judge from the State of Kansas, Peggy C. Kittel is hereby appointed as the temporary chief judge of the 7th Judicial District to serve from July 25, 2010 through August 1, 2010, inclusive.

IT IS SO ORDERED this 21st day of July 2010.

Robert W. Fairchild
Chief Judge

Cc: Linda Koester-Vogelsang
Douglas Hamilton

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 10-15

ORDER APPOINTING JUDGE PRO TEM

Pursuant to K.S.A. 2009 Supp. 20-310a (d) & (e) Terrence Leibold is hereby appointed as district judge pro-tem of the 7th Judicial District to serve on August 9, 2010. This appointment authorizes Terrence Leibold to hear case number 2009LM1661.

IT IS SO ORDERED this 6th day of August 2010.

Robert W. Fairchild
Chief Judge

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 10-15

ORDER APPOINTING TEMPORARY CHIEF JUDGE

Due to the absence of the chief judge from the State of Kansas, Peggy C. Kittel is hereby appointed as the temporary chief judge of the 7th Judicial District to serve from August 29, 2010 through September 5, 2010, inclusive.

IT IS SO ORDERED this 26th day of August 2010.

Robert W. Fairchild
Chief Judge

Cc: Linda Koester-Vogelsang
Douglas Hamilton

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 10-16

ORDER APPOINTING TEMPORARY CHIEF JUDGE

Due to the absence of the chief judge from the State of Kansas, Sally D. Pokorny is hereby appointed as the temporary chief judge of the 7th Judicial District to serve from September 26, 2010 through October 3, 2010, inclusive.

IT IS SO ORDERED this 23rd day of September 2010.

Robert W. Fairchild
Chief Judge

Cc: Linda Koester-Vogelsang
Douglas Hamilton

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 10-17

ORDER APPOINTING JUDGE PRO TEM

Pursuant to K.S.A. 2009 Supp. 20-310a (d) & (e) James George is hereby appointed as district judge pro-tem of the 7th Judicial District to serve on November 1, 2010. This appointment authorizes James George to hear cases arising in Division One of the District Court since the district judge for Division One will be temporarily assigned to the Supreme Court on that day.

IT IS SO ORDERED this 27th day of October 2010.

Robert W. Fairchild
Chief Judge

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 010-18

7TH JUDICIAL DISTRICT 2011 HOLIDAYS

The following dates have been approved as the holidays for calendar year 2011:

New Year's Day	Friday, December 31, 2011
Martin Luther King Day	Monday, January 17, 2011
Presidents Day	Monday, February 21, 2011
Memorial Day	Monday, May 30, 2011
Independence Day	Monday, July 4, 2011
Labor Day	Monday, September 5, 2011
Columbus Day	Monday, October 10, 2011
Veterans Day	Friday, November 11, 2011
Thanksgiving Day	Thursday, November 24, 2011
	Friday, November 25, 2011
Christmas Day	Monday, December 26, 2011

Observance of these holidays by the district court may be deferred whenever observance of the holiday would interfere with judicial proceedings in progress.

BY THE ORDER OF THE COURT this 28th day of October, 2010.

Robert W. Fairchild
Chief Judge

cc: All Departments of the District Court
Craig Weinaug, County Administrator
Dr. Howard Schwartz
Katherine Shaw

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

**ADMINISTRATIVE ORDER NO. 10-19
ORDER ADOPTING AMENDMENT TO LOCAL COURT RULES**

Now on this 16th day of November 2010, the district judges of the Seventh Judicial District amend the Local Rules Nos. 3, 7, 10, and 18 in the manner set out in the attached document. This amendment shall be effective upon its publication on the District Court internet web site.

IT IS SO ORDERED this day of November 16, 2010.

Robert W. Fairchild
District Judge
Division No. 1

Sally Pokorny
District Judge
Division No. 2

Jean F. Shepherd
District Judge
Division No. 3

Michael J. Malone
District Judge
Division No. 4

Paula B. Martin
District Judge
Division No. 5

Peggy C. Kittel
District Judge
Division No. 6

RULE NO. 3 CUSTODY OF COURT RECORDS

A) Confidential Records

Except as otherwise ordered by the court, or as provided in Local Court Rule 11A, a record designated as “confidential” shall not be examined by or disclosed to anyone other than the parties’ attorneys of record.

B) General Court Files

In compliance with SUPREME COURT RULE 106, the following procedure shall apply to the removal of court records from the Office of the Clerk of the District Court:

1) Attorneys

a) Attorneys with offices located in Douglas County, Kansas, may check out a file by submitting to the Clerk’s office a records request form. The Clerk shall furnish the requested record before the close of the next business day, absent extenuating circumstances.

b) No one other than a district court clerk shall disassemble a court record or make any markings on any document therein.

c) Court records may be retained for seven (7) days, unless the court requests their immediate return.

d) No court record shall be taken outside of Douglas County, Kansas, except by order of the judge and execution of a Receipt for Court Files (Appendix A).

e) In accordance with Kansas Supreme Court Administrative Order No. 156, the Clerk’s office may charge a fee for furnishing court records and may assess a monetary penalty for failure to return court records in accordance with subsection c). The amount of any such assessment shall be determined by the Chief Judge.

2) Licensed and Bonded Abstracters

a) Licensed and bonded abstracters must furnish to the clerk’s office for filing a copy of their current State of Kansas Abstracter’s Registration and License prior to checking out any official court records.

b) Abstracters with offices located in Douglas County, Kansas, may check out court records by completing and submitting a records request form. Court personnel shall make every effort to furnish the requested

records by the end of the next business day but in any event shall furnish the requested records within three (3) business days.

c) No one other than a district court clerk shall disassemble a court record or make any markings on any document therein.

d) Court records may be retained for seven (7) days, unless the court requests their immediate return.

e) No court record shall be taken outside of Douglas County, Kansas.

f) In accordance with Kansas Supreme Court Administrative Order No. 156, the Clerk's office may charge a fee for furnishing court records and may assess a monetary penalty for failure to return court records in accordance with subsection d). The amount of any such assessment shall be determined by the Chief Judge.

3) Public and Self-represented Parties

a) Members of the public and self-represented parties shall be permitted to review court records in a room designated for such purpose by the Clerk of the District Court. A request form shall be submitted to the Clerk's office. The requested records shall be furnished to self-represented parties by the close of the next business day, absent extenuating circumstances. Court personnel shall make every effort to furnish all other requested records by the end of the next business day but in any event shall furnish the requested records within three (3) business days.

b) No one other than a district court clerk shall disassemble a court record or make any markings on any document therein.

c) In accordance with Kansas Supreme Court Administrative Order No. 156, the Clerk's office may charge a fee in an amount determined by the Chief Judge for furnishing court records.

C) Records of Cases on Appeal

1) Counsel of record, or his or her designee, may check out the court record by signing a receipt for the record on appeal. The attorney's designee must also provide a written authorization from the attorney of record that will be maintained by the Clerk's office until the record is returned. The entire record on appeal must be checked out. The records shall be returned only to the Clerk's office and the clerk will provide a return receipt.

2) No one other than a district court clerk shall disassemble a court record or make any markings on any document therein.

3) In accordance with Supreme Court Rule 3.06, appellate counsel may retain the record on appeal during the period of time allotted by the appellate court for preparation of the appellate briefs.

4) Any person who misplaces or damages all or part of a record on appeal, including transcripts, shall be responsible for the cost of replacing the missing or damaged portions of the record.

RULE NO. 7 POST-JUDGMENT MATTERS

A) Garnishments

1) Limitation on Frequency

Except as provided in this rule, no more than two (2) garnishments shall be issued out of this court applicable to the same claim or claims and against the same judgment debtor in any thirty (30) day period. A judge of this court may order an exception to this rule in any case, in which the party seeking the garnishment shall in person or by attorney:

- a) Certify that the garnishment is not for the purpose of harassment of the debtor, and
- b) State facts demonstrating to the satisfaction of the judge that there is reason to believe that the garnishee has property or credits of the debtor which are not exempt from execution.

2) Processing

An Order to Pay may not be submitted to the court until fourteen (14) days after the Answer has been filed. To facilitate the processing of garnishments, the following information shall be included in each Order to Pay:

- a) Date the Order of Garnishment was filed;
- b) Date the Answer of Garnishee was filed; and
- c) If a payroll garnishment, the pay period that the request covers.

B) Hearings in Aid of Execution

1) Limitation on Frequency

Except for good cause shown, no more than one (1) hearing in aid of execution shall be ordered per judgment debtor on each judgment in any four (4) month period. At the time of a hearing in aid of execution, the Court may order that the judgment debtor return to court at a future date but said date shall not be sooner than four (4) months from the date of the order. Additionally, the order may not require a judgment debtor who has made regular payments pursuant to an agreement between the parties or who has been found to be disabled or otherwise unable to pay to return to court more frequently than yearly.

2) Limitation on Setting

No more than ten (10) hearings in aid of execution shall be scheduled in any twenty (20) minute span.

RULE NO. 10 CHAPTER 61 CASES (LIMITED CIVIL)

- A) To facilitate the disposition of Chapter 61 cases, a docket call of Chapter 61 cases on file for more than sixty (60) days will be initiated by the divisions of court no more frequently than each month.
- B) All cases not scheduled for hearing or disposition shall be included in the monthly notice to counsel or pro se parties of intended dismissal for lack of prosecution on a stated date.
- C) Notice of cases to be called shall be mailed to counsel involved or pro se parties at least fourteen (14) days prior to the date stated for the docket call.
- D) A request to pass a case must be in writing, and a copy shall be mailed to opposing counsel or pro se party stating the reason for the request.
- E) Failure to respond to the docket call shall result in dismissal of the case.
- F) If defendant does not appear, and has not otherwise complied with Supreme Court Rule 104, the court may grant plaintiff default judgment upon request pursuant to K.S.A. 61-1721 and Supreme Court Rule 104.
- G) All other matters concerning case status shall be determined by the judge according to information provided by parties.
- H) All cases designated for trial shall be set within forty-five (45) days from the date of the docket call as the court schedule permits.

RULE NO. 18 DISTRICT COURT HEARING OFFICER

As authorized by K.S.A. 23-492 *et seq.*, and Supreme Court Rule No. 172, there shall be established the office of district court hearing officer for the judicial district.

A) Qualifications and Prohibitions of Hearing Officer

The hearing officer shall be a person licensed to practice law in the State of Kansas, and shall be appointed by and serve at the pleasure of the chief judge. No full-time hearing officer shall engage in the private practice of law or engage in work that conflicts or appears to conflict with the interest of the Kansas Judicial Branch. No part-time hearing officer shall engage in the private practice of domestic relations law.

B) Powers and Duties of Hearing Officer

The hearing officer shall have the power to hear all matters filed by the court trustee. The hearing officer shall preside at summary hearings relating to the modification of enforcement of support pursuant to the Kansas Parentage Act, the Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, the Kansas Income Withholding Act, the Protection from Abuse Act, post-divorce or separate maintenance K.S.A. 60-1601 *et seq.*, K.S.A. 39-718b, and K.S.A. 39-755. The hearing officer shall preside at hearings relating to the enforcement of parent visitation rights pursuant to K.S.A. 23-701.

The hearing officer shall have the following additional powers and duties:

- 1) To administer oaths and take testimony and prepare written findings of fact and conclusions of law which shall constitute the summary record;
- 2) To evaluate evidence and to accept stipulations, acknowledgments, and agreements of support and parentage;
- 3) To enter journal entries and orders including default orders, as necessary;
- 4) To direct the issuance of summonses, notices to appear, orders to appear, citations in contempt, and bench warrants;
- 5) To appoint special process servers as required to carry out the court trustee's responsibilities;
- 6) To order parties into mediation;
- 7) To preside at all original domestic relations contempt matters. In addition, the hearing officer shall have the authority: a) to appoint legal counsel for alleged contemnors who are indigent and to approve appointed counsel fees at the rate of \$50.00 per hour to a maximum of \$200.00. Exceptional cases may be approved by the district judge assigned the domestic docket in an amount exceeding \$200.00; b) to

order the contemner to repay the costs of the appointed counsel as part of any domestic contempt order.

- 8) All other powers and duties authorized by K.S.A. 23-492, K.S.A. 23-701, and Supreme Court Rule 172.

C) Hearing Officer Procedure

1) Hearings

All motions to modify or enforce orders of support and enforcement of visitation matters shall be heard by the hearing officer pursuant to Supreme Court Rule No. 172 except the modification and enforcement of ex parte orders of support which shall be reserved to district court judges. Modification and enforcement of support or visitation issues coupled with other post divorce or similar issues, such as child custody, shall be heard by the district court judge of original assignment. If a case involves complex issues that cannot be resolved, temporary orders may be established under expedited processes and the unresolved issues shall then be referred to the assigned district court judge for resolution.

2) Order Preparation

The hearing officer may direct either party or the court trustee to prepare any order, including but not limited to journal entries, judgment forms, notice of hearings, and memoranda.

3) Formal Record

If a formal record of any hearing officer's proceeding is desired, it shall be the responsibility of the party requesting the record to make appropriate arrangements in advance of the hearing. The costs of the formal record shall be borne by the requesting party.

D) Finality of Order, De Novo Hearings, Motions for Rehearing and Review of Contempt Findings

- 1) All orders of the hearing officer shall be deemed approved by a judge of district court and shall become a final judgment of the district court unless:
 - (i) within fourteen (14) days from the date of the filing of the order with the clerk of the district court either party files a written motion for a de novo hearing before the judge of original assignment. Notice of a request for a de novo hearing shall be served upon the parties or their counsel and the trustee; or
 - (ii) within fourteen (14) days after the filing of the order either party files a written motion for a rehearing before the hearing officer in lieu of a hearing de novo. A motion for rehearing shall be summarily granted or denied, in whole or in part, by the hearing officer within fourteen (14) days of the filing of said motion. Upon the filing of a judgment form denying rehearing, the moving party shall have an additional fourteen (14) days to request a de novo hearing before the judge of original assignment.
- 2) If no request is made within the time allowed for a de novo hearing or rehearing, the hearing officer's order shall be final.

- 3) A person who is committed to custody by the hearing officer for execution of sentence for contempt shall be entitled to have the sentence reviewed within forty-eight (48) hours, excluding weekends and holidays, by the district judge of original assignment. The district judge may, upon such review, affirm, modify, vacate, or stay the sentence. If a motion for rehearing or for de novo hearing from the judgment of the hearing officer finding the person guilty of contempt is timely filed, then the district judge shall stay further execution of sentence pending the entry of final judgment.

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

**ADMINISTRATIVE ORDER NO. 10-20
ORDER ADOPTING AMENDMENT TO LOCAL COURT RULES**

Now on this 17th day of November 2010, the district judges of the Seventh Judicial District amend the Local Rule No.15 in the manner set out in the attached document. This amendment shall be effective upon its publication on the District Court internet web site.

IT IS SO ORDERED this day of November 17, 2010.

Robert W. Fairchild
District Judge
Division No. 1

Sally Pokorny
District Judge
Division No. 2

Jean F. Shepherd
District Judge
Division No. 3

Michael J. Malone
District Judge
Division No. 4

Paula B. Martin
District Judge
Division No. 5

Peggy C. Kittel
District Judge
Division No. 6

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RULE NO. 15 FORMS OF PLEADINGS AND CONFORMED COPIES

A) Pursuant to Supreme Court Rule 111, only standard-size paper (8 ½ x 11 inches) shall be used for pleadings, briefs, and other papers filed in the District Court.

B) If a party or an attorney for a party files documents with the clerk and requests conformed copies of the documents submitted for filing, at the time of making the request the party or attorney must provide the clerk with the copies of the document(s) to be conformed together with either a self-addressed, stamped envelope in which the copies are to be returned to the party or the number of a box outside the office of the clerk of the district court in which the documents can be placed when conformed.

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 10-21

ORDER ESTABLISHING DOMESTIC GUIDELINES COMMITTEE

At the request of the president of the Douglas County Bar Association and the Seventh Judicial District Bench-Bar Committee, the following persons are appointed as members of a committee to establish Domestic Case Guidelines for the Seventh Judicial District:

Judge Sally Pokorny – Chairperson
Judge Peggy Kittel
Andrew Bolton
Chuck Briscoe
David Brown
Jane Eldredge
Sherri Loveland
Jody Meyer
Margie Wakefield
Judge Jean Shepherd – ex officio

This order is made and is effective this 6th day of December 2010.

Robert W. Fairchild
Chief Judge

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

**ADMINISTRATIVE ORDER NO. 10-22
ORDER ADOPTING AMENDMENT TO LOCAL COURT RULES**

Now on this 14th day of December 2010, the district judges of the Seventh Judicial District amend the Local Rules Nos.1 and 10 in the manner set out in the attached documents. The amendment to Rule No. 1 shall be effective on January 11, 2011. The amendment to Rule No. 10 shall be effective upon its publication on the District Court internet web site.

IT IS SO ORDERED this day of December 14, 2010.

Robert W. Fairchild
District Judge
Division No. 1

Sally Pokorny
District Judge
Division No. 2

Jean F. Shepherd
District Judge
Division No. 3

Michael J. Malone
District Judge
Division No. 4

Paula B. Martin
District Judge
Division No. 5

Peggy C. Kittel
District Judge
Division No. 6

RULE NO. 1 ASSIGNMENT OF CASES

A) All cases shall be assigned or reassigned by the Clerk to a division of court in the manner directed by the chief judge. Cases shall be assigned to the judges in a manner that will equalize the caseload among the judges and will prevent the predetermined selection of a desired division of court by a litigant. The division to which assignment is made shall be noted on the appearance docket, the file, and the judge's docket sheet. After such assignment, all proceedings shall be held in the division to which the case has been assigned. In the event of the absence or disqualification of such judge, or upon the request of a party, the chief judge may appoint the judge of another division to hear the case. In the absence of the assigned judge, default judgment, judgment by agreement of the parties, or non-dispositional orders may be signed by another judge within the district without reassignment by the chief judge.

B) In civil cases when two or more cases arise out of the same transaction, such cases shall be assigned to the division that has been assigned the case with the earlier filing date. In criminal cases, when two or more cases arise out of the same event or charge the same defendant, such cases shall be assigned to the division that had been assigned the earlier trial setting or preliminary hearing date.

C) Any case dismissed and re-filed shall be assigned to the same division to which it was previously assigned.

D) Any case assigned to a division of court may be reassigned by the chief judge to another division of court as the judicial work of the district may require.

E) Criminal

1) Duty Judge

a) A duty judge shall be designated each week to review probable cause arrests, search and arrest warrant affidavits. The chief judge shall set a duty judge schedule and it shall include all divisions of the district court.

b) The duty judge shall review weekend warrantless arrests.

2) First Appearances - All first appearances, misdemeanor arraignments, and initial bond hearings shall be held at 3:00 p.m., Monday-Friday.

3) Felony

a) All felony cases shall be assigned to Division 2, 3, 4, 5 or 6.

b) Each assigned division of court shall set aside time each week for preliminary hearings. Unless otherwise ordered, preliminary hearings shall be set as follows:

Division 2 - Monday from 2:00 to 3:30 p.m.

Division 3 - Tuesday from 2:00 to 3:30 p.m.

Division 4 - Wednesday from 2:00 to 3:30 p.m.

Division 5 - Thursday from 2:00 to 3:30 p.m.

Division 6 – Tuesday from 9:30 a.m. to 12:00 p.m.

- 4) Misdemeanor and Traffic
- a) All misdemeanor cases shall be assigned to Divisions 2, 3, 4, 5, or 6.
- b) All municipal court appeals shall be assigned to Divisions 2, 3, 4, 5 or 6.
- c) Each assigned division of court shall set aside time each week for trial settings or other hearing settings. Unless otherwise ordered, the trial settings or other hearing settings shall be set as follows:
- Division 2 - Monday at 1:30 p.m.
 - Division 3 - Tuesday at 1:30 p.m.
 - Division 4 - Wednesday at 1:30 p.m.
 - Division 5 - Thursday at 1:30 p.m.
 - Division 6 – Tuesday at 9:00 a.m.
- d) All traffic cases and fish & game cases shall be assigned to Pro-tem Division.
- e) All appeals from traffic and fish & game decisions made by a pro-tem judge shall be assigned to Division 5.
- f) The pro-tem judge shall set times each month for the hearing of traffic and fish & game trials.

F) Civil

1) Major Civil

All Chapter 60 cases, excluding divorce and protection from abuse cases, shall be assigned to Divisions 1, 4, and 5. Division 1 shall be assigned three-fifths of these cases and the remaining cases shall be divided equally between the other two divisions. A docket call of all major civil cases on file for more than ninety (90) days shall occur each month.

2) Administrative Agency Appeals

All administrative agency appeals shall be assigned to Division 1, 4 or 5.

3) Limited Civil

All Chapter 61 cases, excluding small claims cases, shall be assigned to Divisions 1, 3, 4, 5 or 6. A docket call of all Chapter 61 cases on file for more than sixty (60) days shall occur each month.

4) Small Claims

All small claims actions shall be assigned to a pro-tem judge. All appeals from small claims shall be assigned to Division 4.

5) Probate

All probate cases (Chapter 59), excluding adoption cases, shall be assigned to Division 1.

6) Care & Treatment

All care & treatment cases (Chapter 59 and 65) shall be assigned to Divisions 1, 3, 4, 5 or 6.

7) Habeas Corpus

All 60-1501 et seq. cases shall be assigned to the division of court to which the original criminal case had been assigned.

8) Domestic Relations

All domestic relations and amendment of birth certificates shall be assigned to Division 2 or 3, except as provided in Rule 18.

9) Protection From Abuse and Protection From Stalking

All protection from abuse and protection from stalking cases shall be assigned to Divisions 2, 3, and 6, in accordance with a schedule established by administrative order.

10) Adoption

All adoption cases shall be assigned to Division 6.

11) Juvenile

a) All child in need of care cases shall be assigned to Division 6.

b) All juvenile offender cases shall be assigned to the Pro-tem Division.

c) All appeals from juvenile offender decisions of a pro-tem judge shall be assigned to Division 6.

12) Special

All cases designated Special ("SP") by the filing code shall be assigned to Division 1.

G) Jury Trials

Unless otherwise ordered, civil and criminal jury trials shall be scheduled to begin as follows:

Division 1 – Monday at 9:00 a.m.

Division 2 - Wednesday at 9:00 a.m.

Division 3 - Wednesday at 9:00 a.m.

Division 4 - Monday at 9:00 a.m.

Division 5 - Monday at 9:00 a.m.

Division 6 – Wednesday at 9:00 a.m.

RULE NO. 10 CHAPTER 61 CASES (LIMITED CIVIL)

- A) To facilitate the disposition of Chapter 61 cases, a docket call of Chapter 61 cases on file for more than sixty (60) days will be initiated by the divisions of court no more frequently than each month.
- B) All cases not scheduled for hearing or disposition shall be included in the monthly notice to counsel or pro se parties of intended dismissal for lack of prosecution on a stated date.
- C) Notice of cases to be called shall be mailed to counsel involved or pro se parties at least fourteen (14) days prior to the date stated for the docket call.
- D) A request to pass a case must be in writing, and a copy shall be mailed to opposing counsel or pro se party stating the reason for the request.
- E) Failure to respond to the docket call shall result in dismissal of the case.
- F) If defendant does not appear the court may grant plaintiff default judgment upon request.
- G) All other matters concerning case status shall be determined by the judge according to information provided by parties.
- H) All cases designated for trial shall be set within forty-five (45) days from the date of the docket call as the court schedule permits.