

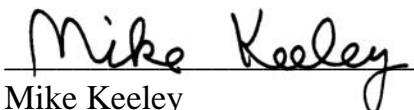
Twentieth Judicial District

# Local Court Rules

Hon. Ron Svaty .....District Judge, Div. I  
Hon. Hannelore Kitts .....District Judge, Div. II  
Hon. Mike Keeley .....Chief District Judge, Div. III  
Hon. Don Alvord .....Magistrate Judge, Rice County  
Hon. Marty Clark .....Magistrate Judge, Russell County  
Hon. Timarie Walters.....Magistrate Judge, Stafford County  
Hon. Dale Urbanek .....Magistrate Judge, Ellsworth County

ORDER

On this 24<sup>th</sup> day of June 2009, pursuant to Supreme Court Rule 105, the District Court of the Twentieth Judicial District hereby adopts the attached local rules for the administration of the affairs of the district court and repeals all local rules previously published.

  
Mike Keeley  
Chief Judge

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### 20th Judicial District LOCAL RULES

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District Court local rules may be promulgated by the Chief Judge. These rules may be reconsidered at the request of any judge of the district court or upon recommendation of the Twentieth Judicial District's Bench-Bar Committee. The Chief Judge will retain sole responsibility for amendment and/or revision of these rules.

The Clerk of the District Court in each county will maintain a complete set of district court rules. Copies of any or all rules will be provided without charge.

Rule 101 Summons, Subpoenas and Garnishments

Attorneys shall provide a sufficient number of prepared summons, subpoenas and garnishments to allow service on all necessary defendants.

Rule 102 Clerk's Extension

Clerk's ten day extensions, authorized by Supreme Court Rule No. 113, may be granted on verbal request. The clerk will note the extension on the trial docket.

Rule 103 Court Bonds (rescinded 7/1/07 pursuant to House Substitute for SB 103)

Rule 104 Continuances

Except in the case of necessity or emergency continuances requested less than 48 hours before the scheduled hearing may not be granted. All continuances must be requested in writing. Continuances will not be granted without a court appearance or conference with all parties participating. It is the responsibility of the attorney requesting the continuance to serve notice on all opposing counsel and to obtain a hearing from the assigned judge.

Rule 105 Preliminary Hearing Record

A written request for a court reporter must be filed with the court and a copy delivered to the court reporters when any party requests a record in a preliminary hearing. The request shall be filed at least 48 hours prior to the scheduled hearing. The party requesting the record will be responsible for notifying the court reporters of any schedule changes.

Rule 106 Transcripts and Additional Copies of Transcripts

Whenever an individual requests a transcript of a Twentieth Judicial District proceeding, the transcript and one copy will be prepared at the requesting individual's expense. The original transcript shall then be filed with the Clerk of the District Court and the copy delivered to the requesting individual.

This rule applies to all court matters where an official transcript has been taken, ie. motions, preliminary hearings, etc.

Whenever additional copies of a transcript are requested by any person, a reasonable fee, based on the rates fixed by the State Board of Examiners of Court Reporters with the approval of the Supreme Court, will be assessed. Upon payment of the fee, the official court reporter shall furnish the transcript requested. No person shall duplicate official transcripts with the intention of circumventing this rule.

Rule 107 Garnishments

No exemptions to Supreme Court Rule 185 shall be granted except upon filing a written motion and causing said motion to be decided by the assigned judge.

Rule 108 Publication Costs

Publication costs in all cases shall be paid by the attorney or litigant directly to the newspaper(s), subject to reimbursement through the court.

Rule 109 Submission of Payment Vouchers from Appointed Counsel

Since the courts are funded for indigent defense on a calendar year basis, all appointed counsel must submit payment vouchers for representation in the calendar year for which those services were rendered. This rule will require attorneys to submit vouchers prior to the conclusion of some cases. However, this is necessary to prevent the court from experiencing a deficit in its indigent defense fund. Failure to comply with this rule will result in forfeiture of fees, reduction in fees, or extended delay in payment.

Rule 110 Mandated Workshop for Divorcing Parents

Pursuant to K.S.A. 60-1608, divorcing parents of minor children in Barton County shall attend an educational class on the impact of divorce on children. The class shall be conducted by the Center for Counseling and Consultation in Great Bend. The order may be exempted by the Court.

Rule 111 Mandatory Mediation in Cases of Contested Child Custody

All contested child custody matters must be mediated before the case will be heard. The mediation process shall begin when the court enters the order requiring mediation and this order is filed of record. Mediators shall be qualified and be approved by the chief judge. The clerk of the district court shall maintain a list of approved mediators.

Rule 112 File Check-out

Court files may be checked-out pursuant to Supreme Court Rule 106 for a period of fifteen business days. Depositions and exhibits may be checked-out only with judicial approval.

Rule 113 Motion Days

Civil motion days shall be heard in each county as follows: Barton County on the first Monday of each month, Russell County on the first Tuesday of each month, Rice County on the first Wednesday of each month, Ellsworth County on the first Thursday of each month and Stafford County on the first Friday of each month. When the designated motion day falls on a holiday,

the motion day shall be heard one week later.

Criminal motion days shall be heard in the following counties as follows: Barton County on the second and fourth Friday of each month, Rice County on the third Wednesday of each month, and Ellsworth on the third Thursday of each month.

Divorce days in Barton County shall be designated as the first and third Friday of each month. Divorce day in Russell County shall be designated as the third Tuesday of each month.

These dates will remain effective unless they fall on a holiday.

#### Rule 114 Extended Juvenile Prosecution

When a district magistrate judge either authorizes the prosecution of a respondent as a adult in a juvenile offender case pursuant to K.S.A. 38-1636(f)(1) or designates any juvenile offender case an extended jurisdiction juvenile prosecution pursuant to K.S.A. 38-1636(f)(2), the proceedings shall be transferred forthwith to the chief judge for assignment and scheduling in due course within the adult criminal process. The respondent shall be entitled to the full protections of the Kansas Code of Criminal Procedure.

The assigned judge shall schedule a pretrial and such further hearings as necessary to facilitate trial by jury and timely prosecution of the pending charges. Upon conviction the assigned judge shall impose sentence in accordance with K.S.A. 38-1663 and K.S.A. 38-16,126 and other appropriate statutes.

#### Rule 115 District Magistrate Judge May Conduct Arraignments in Felony Cases

Pursuant to K.S.A. 20-302b(a) and K.S.A. 20-329, in accordance with the limitations and procedures prescribed by law, and subject to any rules and decisions of the Supreme Court relating thereto, the district magistrate judges of the 20<sup>th</sup> Judicial District are authorized to conduct arraignments, and to accept any plea resulting therefrom, in felony cases.