

**General**  
**Rule No. 4.100**

ASSIGNMENT OF JUDGES AND RESPONSIBILITY OF CASES

1. The primary responsibility for cases in the Fourth Judicial District are assigned as follows:

(1.1) DISTRICT JUDGE DO1 - primary office Coffey County  
(Present incumbent - Phillip M Fromme)

(1.1.1) COFFEY COUNTY - All cases except cases assigned to a district magistrate judge.

(CR DM RC beyond the jurisdiction of the magistrate judge and AD PR )

(1.1.2) OSAGE COUNTY - All cases except cases assigned to a district magistrate judge or other district judge. (CR DM RC beyond the jurisdiction of the magistrate judge)

(1.2) DISTRICT JUDGE DO2 - primary office Franklin County  
(Present incumbent – Douglas P. Witteman)

(1.2.1) FRANKLIN COUNTY - All cases except those cases assigned to a district magistrate judge or other district judge. (CR DM RC beyond the jurisdiction of the magistrate judge and AD PR)

(1.3) DISTRICT JUDGE DO3 - primary office Anderson County  
(Present incumbent – Eric W. Godderz)

(1.3.1) ANDERSON COUNTY - All cases except those cases assigned to a district magistrate judge or other district judge. (CR CV DM RC beyond the jurisdiction of the magistrate judge and AD PR)

(1.3.2) FRANKLIN COUNTY - All civil cases (cases filed as "CV") except those cases assigned to a district magistrate judge (CV beyond the jurisdiction of the magistrate judge) and DM cases involving Child Support Enforcement.

(1.3.3) OSAGE COUNTY - All civil cases (cases filed as "CV") except those cases assigned to a district magistrate judge. (CV beyond the jurisdiction of the magistrate judge )

(1.3.4) COFFEY COUNTY - All civil cases (cases filed as "CV") except those cases assigned to a district magistrate judge. (CV beyond the jurisdiction of the magistrate judge )

(1.4) DISTRICT MAGISTRATE MO1 - primary office Osage County  
(Present incumbent –Taylor J. Wine)

(1.4.1) OSAGE COUNTY - All cases within the magistrate's jurisdiction. (AD CV CR CT DM FG GC JV JC LM PR RC SC TR)

(1.4.2) COFFEY COUNTY - All within the magistrate's jurisdiction except adoption and probate cases. (CV CR CT DM FG JC JT JV LM RC SC TR)

(1.4.3) FRANKLIN COUNTY- All cases within the magistrate's jurisdiction except adoption and probate cases. (CV CR CT DM FG GC JC JT JV LM RC SC TR)

(1.5) DISTRICT MAGISTRATE MO2 - primary office Franklin County  
(Present incumbent - Kevin Kimball)

(1.5.1) FRANKLIN COUNTY - All cases within the magistrate's jurisdiction except adoption and probate cases. (CV CR CT DM FG GC JC JT JV LM RC SC TR)

(1.5.2) ANDERSON COUNTY - All within the magistrate's jurisdiction, except adoption and probate cases.. (CV CR CT DM FG JC JT JV LM RC SC TR)

2. Traffic, juvenile offender, juvenile tobacco and fish and game cases appealed from a magistrate judge or in which a jury trial is properly requested are assigned to the district judge assigned criminal cases in the county of the case. Limited action, probate, and adoption and small claims cases appealed from a magistrate judge are assigned to the district judge who is assigned civil cases in the county of the appeal. Child in Need of Care and care and treatment cases appealed from a magistrate judge are assigned to the district judge assigned domestic cases in the county of the appeal except Child in Need of Care cases in Franklin County for the termination of parental rights shall be heard by the district judge assigned civil cases in said county.

3. Other specific assignments of cases may be made by the judge listed above as having primary responsibility of those matters assigned with the consent of the judge to whom it is assigned or the Chief Judge.

4. Disqualifications of judges for whatever reason will be reassigned by the Chief Judge.

5. In the event of sickness, absence or disqualification of any judge, any other judge of the district court having jurisdiction may act with full authority. Attempts to contact judges after hours or in the absence of the judge to whom the case is assigned when an emergency exists shall be in the following descending order in the various counties of the district:

<u>Anderson</u>	<u>Coffey</u>	<u>Franklin</u>	<u>Osage</u>
D03 E. Godderz	D01 Fromme	M02 Kimball	M01 Wine
M02	M01	D02 Witteman	D01
D01	D03	D03	M02
D02	D02	M01	D02
M01	M02	D01	D03

6. Pursuant to DCR 172, all judge of the district court are hereby designated to preside as hearing officers for the establishment, modification, or enforcement of support pursuant to the Kansas Parentage Act, K.S.A. 23-451, et seq., 39-718a, 39,755 or 60-1610 or K.S.A. 23-4,137, 38-1542, 38-1543, or 38-1563, and amendments thereto; and enforce orders granting visitation rights.

7. Under of the provisions of K.S.A. 20-302b, actions pursuant to the Protection from Abuse Act shall be assigned to Magistrate Judges in the Fourth Judicial District.

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COURT RECORDS

(a) CUSTODIANS OF RECORDS AND HOURS OF OPERATION

The principal offices and the official custodian of the records in the Fourth Judicial District of Kansas are as follows:

District Court Clerk  
Anderson County Courthouse  
Garnett, KS. 66032

District Court Clerk  
Coffey County Courthouse  
Burlington, KS. 66839

District Court Clerk  
Franklin County Court Building  
Ottawa, KS. 66067

District Court Clerk  
Osage County Courthouse  
Lyndon, KS. 66451

The regular office hours during business days of such custodians is from 8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m. The offices shall be open to the public from 8:00 a.m. to 12:00 noon, and 1:00 p.m. to 4:00 p.m.

(b) COPY CHARGES

The official custodian of the court records shall be authorized to charge and require advance payment of a fee for providing access to or furnishing copies of records. Executive branch agencies such as the Department of Social and Rehabilitation Services and local governmental agencies may be charged for access and copies on the same basis as members of the public, as follows:

- (1) A fee of \$.25 shall be charged per photocopy page.
- (2) A fee of \$.25 shall be charged for each copy of microfilm.

- (3) A fee of \$1.00 shall be charged for certifying any paper or writ.
- (4) Fees for the use of fax equipment are as follows:
  - (a) Send: \$2.00 for the 1st page, not including the cover page.  
\$.50 for each additional page
  - (b) Receive: No Charge
- (5) Whenever a request or access will require more than the usual time and effort on the part of court personnel, an access fee of \$12.00 per hour shall be charged.

(c) DISTRIBUTION OF COPY CHARGES

The Clerk of the District Court shall remit all monies collected from fees for copies of records to the County Treasurer for use of the copying, microfilming machine and optical disk, and all monies received for the cost of staff time in providing access to or searching records to the state treasurer. The clerk may remit a collected fee to a genealogical society which has conducted the search in lieu of staff time.

(d) REQUESTS FOR COPIES

Any request for copies other than in person may require a written request giving the requester's name and address and the information necessary to ascertain records to which the requester desires. Each request for inspection and/or copy of public records shall be acted upon as soon as possible, but no later than the end of the third business day following the day that the request is received and so as to not disrupt the other essential functions of the office.

(e) RECORD SECURITY

No person shall remove original copies of public record from the office without written permission of the custodian of records. The inspection and copying of public records shall be made while the records are in the possession, custody and control of the custodian or a person designated by the custodian and shall be made under the supervision of such custodian or person.

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JUDGMENT PAYMENTS

(a) PAYMENT OF JUDGMENTS TO ATTORNEYS

The clerk of the district court is authorized to pay proceeds of a judgment to the party awarded the judgment or to the attorney of record. (Smith v. Ward, 161 Kan. 453, 169 P. 2d 93 (1946))

(b) ENDORSEMENT WITHOUT RECOURSE

When payment for temporary orders or judgments are made by check and received by the district court clerk's office, the clerk is authorized to endorse the check to the proper person "without recourse".

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PREPARATION OF PROCESS FOR SERVICE

The Clerks of the District Court shall not prepare summons, executions, garnishments or any other form which would be in effect rendering legal service, except as provided by law (K.S.A. 61-2701, et seq.) or by the Court rules of the Fourth Judicial District.

The Clerks of the District Court shall issue any such process that has been prepared and delivered to the Clerk's office for issuance as provided by law and upon receiving written directions from the requesting party. If the preparing parties/counsel have not provided the required documents that are to accompany any process to served, the Clerk of the District Court shall forward to the preparing parties/counsel a notice indicating what documents are needed to issue the requested process.

If no directive for type of service of process is made, or no documents furnished to effectuate the service of such process within 10 days of filing, the case will be dismissed without prejudice.

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RELATING TO SUPREME COURT RULE 123 (COVER SHEETS)

The Clerks of District Court are hereby authorized to reject or refuse to accept for filing any such cases where the cover sheets are not substantially filled out for each party so that the Clerk may have adequate information to distinguish parties from one another in the court database. (Example: full party name, full business name, full address of a party or business, date of birth, and any further information identifying a party that is known to the plaintiff, or reasonably obtainable by the plaintiff, shall be completed on the cover sheet).

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STANDARDS FOR COURTROOM DECORUM

These rules of Courtroom Decorum are intended to encourage attorneys to observe principles of civility and decorum, and to uphold the legal profession's rightful status as an honorable and respected profession where courtesy and civility are observed as a matter of course. Specific rules governing the conduct of jury trials should be addressed with each particular District Court Judge in the Fourth Judicial District. The Court finds the following minimum standards will be followed by all attorneys and litigants appearing in the Fourth Judicial District:

1. Attorneys and parties should be on time for court appointments or court sessions, without prior permission of the Court.
2. The area inside the rails of the Courtroom is reserved for attorneys and litigants. Only counsel and parties may sit at counsel table, unless the Court permits otherwise. In appropriate circumstances, the Court may permit counsel to bring a paralegal or other assistant to counsel table.
3. Stand (if physically able) as Court is opened, recessed or adjourned, when the jury enters or retires from the courtroom, when addressing or being addressed by the Court, and when examining a witness or juror.
4. Attorneys should address the Court as "Your Honor" or "May it please the Court" or, during trial, "The Court will remember the testimony" or similar appropriate language.
5. Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly uninfluenced by all ill feeling between the respective clients. Attorneys should abstain from any allusion to personal peculiarities and idiosyncrasies of opposing counsel.
6. Attorneys normally should remain at counsel table or maintain substantial distance from the witness whom they are examining in order to maintain the voice level of both witness and attorney, to avoid intimidation of the witness and to avoid a tendency toward undue informality. With Court permission, it is proper to approach witnesses

who are hard of hearing, when handling exhibits or while asking questions about exhibits.

7. Attorneys should avoid exhibiting familiarity with witnesses, jurors, or opposing counsel. Attorneys should only refer to opposing counsel, witnesses, except children, or jurors by their last names. Only with permission of Court, may a witness be addressed by their first name. Witnesses should always be treated with fairness and courtesy.
8. All objections and arguments should be made to the Court rather than to opposing counsel. Supporting arguments should never be made in front of the jury, but at sidebar. Bickering between attorneys during the course of a trial is impermissible.
9. Attorneys, parties and persons present in the courtroom should refrain from assuming an undignified posture. An attorney should not by facial expression, nodding, nor other conduct exhibit any opinion, adverse or favorable, concerning any testimony which is being given by a witness. The attorney should privately admonish his or her own clients and witnesses to avoid such conduct.
10. Children are under no circumstances to be present in the courtroom during a proceeding unless requested and approved by the Court in advance. Counsel should advise clients to make appropriate child care arrangements.
11. Attorneys should always be attired in a proper and dignified manner and should abstain from any apparel or ornament calculated to attract attention to themselves. A male attorney appearing in Court should be dressed with a coat and necktie. A female attorney should wear comparable conservative attire. Denim is unacceptable.
12. Parties, witnesses and spectators shall dress appropriately and respectfully for the courtroom. All hats shall be removed before entering the courtroom. Counsel is responsible for ensuring compliance with these rules by their client's party, representative, and witnesses. Counsel should contact the Court in advance if special accommodation is desired for a client, party representative, or witness.
13. There will be no drinking or eating in the courtroom at any time unless authorized in advance by the Court. No tobacco in any form will be permitted at any time. Turn all cell phones to silent mode.
14. No one shall wear or bear firearms or weapons of any description in the courtroom, except any court security or necessary guards of a prisoner, unless authorized by the Court.

15. Attorneys should advise clients, witnesses, and others concerning rules of decorum to be observed in Court.
16. Any person embraced within these rules who violates the provisions hereof may be subject to sanctions, contempt proceedings or other disciplinary actions imposed or initiated by the Court.