

Division 5 Court Rules **Erica Schoenig District Court Judge**

I. Communication with the Court.

All communication with the Court is to be through the Administrative Assistant, who will provide any instructions, and who schedules all hearings. The preferred method of scheduling hearings is to email the Administrative Assistant. Parties and attorneys must include all attorneys or self-represented parties on any email sent to the Administrative Assistant. Do not send emails directly to the Judge, as all emails go through the Administrative Assistant, unless the Judge initiates the email, or requests that you email the Judge directly.

II. Assistance That the Administrative Assistant Can Provide.

The Administrative Assistant can provide information that can be helpful to parties who do not have an attorney, but cannot provide legal advice. Kansas Supreme Court Administrative Order 232 established the guidelines that the Administrative Assistant follows when a self-represented party or attorney has questions about their case.

Court Staff May:

- Encourage self-represented litigants to be informed about their legal rights to consult with an attorney for legal advice.
- Encourage self-represented litigants to consult with an attorney for legal advice.
- Provide information about: *pro bono* legal services; low-cost legal services; lawyer referral services; and a list of local attorneys provided by the local bar association.
- Provide locations for all appropriate court-approved forms and written instructions.
- Provide the date and time for any scheduled hearings.
- Provide reasonable accommodations required by the Americans with Disabilities Act.
- Provide locations for court-approved, written definitions of commonly used terms.
- Provide general information about courtroom location, other agencies' locations, and in-house facilities.

Court Staff May Not:

- Provide legal advice, including but not limited to:
 1. recommending a specific course of action;
 2. performing legal research for parties;
 3. interpreting how the law would apply to a specific situation;
 4. predicting the outcome of a particular strategy or action; and

5. computing deadlines specified by statute or court rules.
- Recommend any specific course of action, including but not limited to:
 1. whether to file a pleading;
 2. the specific content or phrasing for a pleading;
 3. the types of claims or arguments to assert in pleadings or objections to pleadings; and
 4. whether to settle or appeal.
 - Assist in completing any forms or advise on how a particular term or definition applies to a specific situation.
 - Interpret statutes or rules or advise whether a particular statute or rule applies in a specific situation.
 - Provide information kept confidential by statute or court rule.
 - Recommend or advise concerning rules of evidence, witnesses, objections, or rulings.

III. Conduct in the Courtroom and During Hearings.

Parties and attorneys are expected to follow the Rules of Decorum found in the Local Court Rules. The Local Court Rules are on the District Court website found at <http://courts.jocogov.org/dc.aspx>. Division 5 expects all participants in a case to appear in court dressed appropriately and to act with appropriate conduct. When appearing in court all attorneys shall be suitably attired. Parties should also be appropriately dressed. Parties who appear wearing torn jeans, shorts, tank tops, and hats, or are chewing gum, show a lack of respect for the Court and for other parties. Counsel and self-represented parties shall stand at counsel table or the speaker's podium to address the Court or witnesses, unless allowed to do otherwise by permission of the Court. When questioning a witness, including a party, or speaking of a witness, counsel and self-represented parties shall not use first names, but shall always use surnames. Counsel and self-represented parties shall have exhibits marked prior to trial or hearing.

Young children should not be brought into the courtroom. Additionally, Local Court Civil Rule 19 prohibits children who are part of a divorce, paternity, protection from abuse, or protection from stalking case from testifying or being present for a court hearing without prior permission from the Judge. This permission will only be granted by court order. Failure to comply with Local Court Rule 19 may result in sanctions for any attorney or party who brings a minor child who is part of a case to court, unless a court order has been filed which allows it.

Zoom Hearings. Parties attending a Zoom hearing should be in a location where they can focus on the hearing without distractions. Participants in a Zoom hearing will not be permitted to drive a vehicle during the Zoom hearing. Parties shall be appropriately dressed for court when in a Zoom hearing, and all Rules of Decorum apply to Zoom hearings.

IV. Electronic Devices.

All electronic devices should be turned off prior to entering the courtroom. Attorneys are responsible for monitoring their clients and witnesses. Attorneys are allowed to have their cell phones on during court proceedings for calendaring purposes, but the device must be on silent mode. Court permission must be obtained for all other electronic device use during court proceedings. If a party is required to access their cell phone for calendaring purposes, they must first obtain Court permission to turn on their device. Recording of any court proceeding is prohibited. Official transcripts of any court proceeding may be obtained by contacting the Official Court Reporter.

V. E-Filing Submission of Journal Entries.

All proposed orders or journal entries submitted to the Court for approval and signature must be in Word format. Documents submitted in pdf format cannot be modified by the Court, and will be rejected if changes are needed.

VI. Bench Copies of Pleadings.

Counsel should provide bench copies of all pleadings if there is an expectation that the Judge will review them prior to the hearing, or without a hearing pursuant to Kansas Supreme Court Rule 133. For documents longer than five (5) pages, hand-delivery to the Court's chambers is required. For documents five (5) pages or less in length, email delivery to the Administrative Assistant is preferred. Counsel should be advised that clicking on the "bench copy" tab in the electronic filing system does not constitute proper delivery to the Court of bench copies of documents.

VII. Proposed Jury Instructions.

Both parties are required to file their proposed jury instructions no later than fourteen (14) days before the scheduled pretrial conference. Prior to the pretrial conference counsel are required to email copies of their proposed jury instructions to the Court in Word format. The State shall email their Proposed Jury Instructions to the Court no later than seven (7) days prior to the pretrial conference. The Defense shall email any objections or proposed additional jury instructions to the Court no later than two (2) business days before the pretrial conference.