**Division 15 Administrative Procedures**

1. **Communications with the Court**. All communications with the Court should be through the Administrative Assistant, who will provide any instructions for parties, represented by counsel or otherwise, that are not provided in these guidelines.
2. **Setting Hearings**. When court dates need to be set for hearings, counsel/party should contact Division 15’s AA, Josephine Gonzalez, and speak with her about getting a date and time for the hearing **before** submitting the paperwork to the Judge for review and signature on orders setting hearings. Counsel, not Division 15, is responsible to ensure that the date of any hearing is statutory compliant.
3. **Punctuality**. The Court reserves the right to rule on a matter if counsel or a party fails to show up for a hearing on time. However, the Court understands that in some instances counsel or a party may be held up or unable to attend a scheduled hearing. If you cannot attend or are running late, please immediately call the Division 15’s AA, Josephine Gonzalez, (913) 715-3890 or 3891, to let the Court know you will be late or cannot attend, and the reason for the same.
4. **Court Filings**. If you wish to have papers filed with the clerk’s office, please send them directly to the clerk’s office for filing. Division 15 does not enter filings in the court’s record and not in the practice of sending papers received in chambers to the clerk’s office for filing. Attorneys, Division 15 **does not** make it a practice to look at petitions/motions and/or other court filings before they are filed to confirm accuracy or completeness.
	1. If you wish for Division 15 to have a courtesy copy of what is filed, please submit a courtesy copy to Division 15; you may be able to send a courtesy copy through the efiling system.
	2. Please note that Division 15 does not automatically become aware that something is/was filed with the clerk’s office. If you wish Division 15 to be aware of a court filing before the time of the hearing, you should provide a courtesy copy.
5. **Local Court Rules**. Please check the local court rules as to more specific questions on briefing guidelines, withdrawals from representation, reasonable times for deposition notices (five days), case assignments, etc. The link is as follows: <http://courts.jocogov.org/local_index.aspx> .
6. **Motions for Summary Judgment, Discovery-Related Motions and the like.** When petitions or motions are filed that include, incorporate and/or attach legal argument in support or opposition and/or exhibits, please provide a courtesy **paper** (non-electronic) copy of the filing(s), i.e., motion, memorandum in support/opposition and exhibits, to Division 15 within two days after the filing or as soon to that time frame as time allows and an electronic version of the motion and memorandum in support/opposition, via email in MSWord format. These hard copies should be received by Division 15 prior to any hearing that is scheduled.
7. **Policy in Reviewing Attorney Billings.** Kansas statutes and case law require the Court to review attorney billings for approval before they are paid. *See* K.S.A. 59-1717 (1939); *In re Alig*, 285 Kan. 117, 169 P.3d 690 (2007); *In re Holmes*, 293 Kan. 478 (2011); *In re Conservatorship of Bogner,* 277 P. 3d 448 (Kan. App. 2012)(unpublished).

Billing statements should be itemized to describe the legal services performed and actual expenses incurred.  Secretarial-type services are considered overhead and will not be approved for payment.  *See* *In the* *Matter of Crandall*, case no. 117,910 (Kan. 11/30/2018) (“While necessary steps, clerical duties are not the type of legal work that warrants charging the client.”). *See also* Annotated Model Rules of Professional Conduct, Rule 1.5, p. 80 ("Work done for the lawyer's own benefit may not be billed to the client."); *Harris Trust & Sav. v. Am. Nat. Bank*, 230 Ill. App. 3d 591, 599, 594 N.E.2d 1308 (1992) (holding general overhead expenses "are incorporated into the hourly attorney fee charged to the client, and accordingly, cannot be separately itemized and charged as costs in an action for attorney fees"); *cf.* *Matter of* *Scimeca*, 265 Kan. 742, 751 (1998) (noting the hearing panel concluded unethical billing practices included charging for secretarial time, but ultimately not ruling on that particular issue).

As the billing statements are reviewed, this court will not approve attorney, paralegal or legal assistant time for items or entries that reflect services that are considered secretarial in nature, such as, e-filing, filing, faxing, making copies, printing documents, preparing for and mailing documents, pulling or downloading documents or obtaining copies, data entry, and setting up and/or organizing a file.  Attorney, paralegal or legal assistant time will also not be approved for time spent in delivery or coming to the courthouse or elsewhere to deliver and/or file documents.

1. **Conduct in Court Proceedings**. Our local general rule on decorum provides:
* When appearing in court all attorneys shall be suitably attired.
* Counsel shall stand at counsel table or the speaker's podium to address the court, witnesses or jurors, unless allowed to do otherwise by permission of the court.
* All attorneys and parties appearing in any hearing shall use an entrance door to the courtroom as directed by the judge of that division.
* When interrogating a witness, including a party, or speaking of a witness, counsel shall not use first names, but shall always use surnames.
* Counsel shall have exhibits marked prior to trial or hearing.
* The same attorney shall conduct the examination of and any objections pertaining to a witness.

***Assist the Court Reporter/Digital Recording****:*

You are not in a rush. Speak clearly and make sure that your witness is not interrupted or does not interrupt the question so that the court reporter/digital recorder records one person only speaking at a time. Remember – it’s your record.

This process is particularly important when an interpreter is being used to translate the proceedings from and to English. It is imperative that you speak clearly and slowly so that the interpreter may translate clearly and keep up with the Q&A.

When Digital Recording used: When questioning a witness, the person asking the questions should make sure their bodies and their voice remain behind a microphone to ensure the question is clearly and accurately recorded. This means that the person asking the questions should remain behind the podium or standing at the table behind the microphone, if allowed by the Court.

1. **Electronic Devices**. Please turn off all cell phones, pagers and audible devices. Counsel is responsible for monitoring their clients and witnesses as to this rule. Cell phones or pages will be collected by the Court if they go off in the courtroom. If laptops are being used at trial, turn off any sound chimes etc.
2. **Civil Jury Trials**. For civil jury trials, this Division will generally follow the rules of civil jury trials, as set forth for Division 7, Judge Hauber.
3. **Exhibits**. Exhibits for any evidentiary hearing shall be pre-marked and exchanged at least one week prior to the hearing or as soon thereafter as possible. The parties are expected to confer before the hearing regarding the exhibits to determine whether the admissibility of exhibits is in dispute and discuss the numbering or lettering system that will be used for the hearing. A courtesy copy of all proposed exhibits shall be delivered to Division 15’s chambers at least one day prior to the hearing. When exhibits are provided to Division 15, the exhibits should also contain an organized exhibit list that identifies each exhibit by number/letter and description. A copy of a sample exhibit list at the bottom of these Rules. The Court will meet with the parties or their counsel thirty (30) minutes prior to the start of the hearing to discuss exhibits and any other prehearing issues.

**IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
\_\_\_\_\_\_\_ COURT DEPARTMENT**

**\*, )**

 **) Case No.**

 **Plaintiff, ) Division**

**vs. ) Chapter**

 **)**

**\*, )**

 **Defendant )**

 **E X H I B I T S**

(page 1 of \_\_)

A = Offered & admitted w/o objection D.B. = Admitted, de bene

X = Offered & admitted over objection W.D. = Offered then withdrawn

Ex = Offered but objected to & excluded Ltd. = Admitted for limited purposes

N.O.= Marked but not offered

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**IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
\_\_\_\_\_\_\_ COURT DEPARTMENT**

**\*, )**

 **) Case No.**

 **Plaintiff, ) Division**

**vs. ) Chapter**

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 **Defendant )**

 **E X H I B I T S - C O N T I N U E D**

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