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Division 19 Court Rules **Jacquelyn Rokusek 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 for parties, represented by counsel or otherwise, 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, Robyn Smith, 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:
 - recommending a specific course of action;
 - performing legal research for parties;
 - interpreting how the law would apply to a specific situation;
 - predicting the outcome of a specific strategy or action; and
 - computing deadlines specified by statute or court rules.
- Recommend any specific course of action, including but not limited to:
 - whether to file a pleading;
 - the specific content or phrasing for a pleading;
 - the types of claims or arguments to assert in pleadings or objections to pleadings; and
 - 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. Requesting a hearing date

When Emailing the Court always include your entire case number in the Subject line of your email.

When requesting hearing dates please provide the Court with how much time is anticipated for each hearing and how far out you would like to schedule. Parties will be held to the time requested or allowed by the Court.

All motions requiring a hearing should list the hearing date, time and division for the motion in bold letters below the case number in the caption of the case, after first consulting with opposing counsel and the administrative assistant. The notice should also include the document number(s) from the case history of the motion to be heard. When requesting a hearing date remember to allow appropriate time for opposing parties to file their response/answer.

After a hearing date is provided, if new motions are filed do not assume they will be heard at the same date and time of the previous motion scheduled in that specific time has been allotted for prior motions. **You must contact the administrative assistant to add another motion to the hearing date or to reschedule all motions to one date.**

If a hearing is no longer needed, please contact the Court to cancel the hearing.

IV. ZOOM Video Conference Hearings due to Covid-19

The worldwide COVID-19 pandemic has forced the Court to make many changes to keep the public safe. During COVID- 19, the Court had drastically reduced the number of in person hearings and all hearings were held by virtually. Although the Court has opened up the Courthouse back up to in person hearings, Court has continued to accommodate the public by providing hearings via ZOOM by request and granted by Judge. Please review this information before your video hearing. Some courts may do things a little differently but most of these comments and suggestions will apply.

This form was created for persons in court without lawyers. You can see the suggestions for lawyers at <http://courts.jocogov.org>.

Before the Video-hearing

1. All video conferences will use the **ZOOM video conferencing app**. The app is available at the Apple or Android app stores or at
 - a. <https://zoom.us/> ZOOM works on most laptops, tablets and smartphones. It can work on a desktop if it has video and audio capability. **You need a camera, speakers and a microphone.**
2. You will receive an **invitation** by email that includes a link as well as information regarding the date and time of hearing. A few minutes before the hearing is to start, double-click the link and follow the directions to enter the hearing.
3. **DO NOT WAIT UNTIL JUST BEFORE THE HEARING TO DOWNLOAD THE APP AND TO TEST YOUR EQUIPMENT.** You should click on the link in the invitation to test your connection. Live chat technical support is available at ZOOM support

During the Video Hearing

1. **If unrepresented**, the Court will need your most recent contact information. Parties are to **reach out to the Self-Help Center to file an Entry of Appearance of an Unrepresented Party** onto your case. This will update the Court with your information. Email is how the Court will be sending a ZOOM link and be communicating with parties.
2. **Find a good place to be for your video hearing.** Try to find a place free from distractions and interruptions. Do not move around during the hearing. Do not participate in the conference while driving.
3. Remember, this is a formal hearing, **just as if you were present in the courtroom.** Be dressed appropriately and act appropriately.
4. The hearing will usually be **recorded**. Please don't talk at the same time or interrupt, as this will compromise the recording and may prevent a Court reporter from creating a transcript.
5. All other **recording of the video conference is prohibited and unlawful.** No one, including lawyers, parties, witnesses, media or anyone else may record the video hearing.
6. If you are able, properly identify yourself on screen. Make sure your full name is presented. Do not identify yourself as "Guest".
7. **You may forward the invitation** to your witnesses or others so long as you tell the judge's assistant. That way they can participate without being in the same space as you. If other people you are in a room with you, please maintain proper social hygiene and social distancing.
8. **DO NOT** have two ZOOM **applications running in the same room** at the same time. If two or more apps are running at the same time, there will be feedback that distorts the audio and the hearing will be delayed.
9. Do not put **papers, folders** or anything else that creates noise near your microphone. Shuffling papers and files creates noise that might make it impossible to hear others.
10. **Dress** in a soft solid color (like a black robe for judges). Try to avoid busy patterns or narrow stripes. Dress like you are going to a regular court hearing.
11. When speaking, remember to **look directly at the camera**, not at the screen.
12. **Position the camera** at your eye level or slightly above eye level.
13. **All parties must leave their videos on** and be presented during the entirety of the hearing.

14. If **more than one person is in the room with you**, position the camera so that everyone can be seen. At the start of the hearing, you will be asked to identify everyone in the room. This includes family, friends, witnesses and spectators.
15. **No children are allowed** to watch, participate in, or listen to the proceedings.
16. Be aware of **what is behind you**, choose a solid neutral wall if possible.
17. **Check the lighting**. Light from a window behind you might blind the camera, making you look dark. Light above you in the center of a room might also cast shadows. Put a lamp, or sit facing a window, where light is directly on your face.
18. Remember everyone must **speak one at a time**.
19. **Pause before speaking** in case there is any audio/video lag.
20. **Exhibits** must be provided **to the court at least 24 hours** before the hearing, in PDF Format, tabbed and bookmarked. Exhibits can be papers, documents, photos, videos, audio recordings; anything you want the judge to see or hear. Try to identify your exhibits somehow ("Exhibit 1 photo of car" or "Exhibit A, text messages dated April 14, 2020" etc.).
21. **Send your exhibits to the judge's assistant**. Exhibits will need to be attached to an email to the Judge's assistant as a single PDF, with exhibits tabbed and bookmarked. Name the file by exhibit number. Indicate in the Subject Line of your email the full case number and if they are respondent's or petitioner's exhibits. For example, you might send a file named "Smith 20CV1234 Exhibits 1-3." When emailing exhibits to the court you must send copies to the other side.
22. If exhibits are not sent to the court and **exchanged with the other side**, the court might not consider them.
23. If you are unable to contact the other side because of a **no contact order**, send an email to the judge's assistant explaining the problem.
24. A witness (including you) may not have anything in their hand and **may not refer to notes**, papers, phones, computers or anything else without permission from the court. **Testimony must be from memory**. If you need to look at something to help your memory, ask the judge before you look.
25. During the hearing, **turn off all electronic devices other than the device running the video hearing app**. If you need another device during the hearing, ask the judge for permission at the start of the hearing.
26. **No program or window other than ZOOM will be open** on any computer or electronic device in a witness' possession during testimony unless the judge allows it. No one is allowed to pass the notes by any means to or from the witness during the time he or she is testifying.

27. Because audio tends to lag behind video, if an **evidentiary objection** is made the objecting party should not only clearly state the objection but should also make a visible signal such as waving or raising a hand to draw the court's attention.
28. **Interpreters.** If you or witness needs an interpreter, please contact the court at least **seven days in advance**.

Please **tell the court**, before the hearing, if any of these issues apply to you:

1. You do not have reliable or unlimited **internet access**.
2. You do not have an **email address**. You should check email at least daily because that is how the court will communicate with you. Ignoring emails might cause you to miss a hearing. You might not have the most recent order.
3. You are unable to have **privacy** during the hearing.
4. You have small **children or animals** that cannot be away from you during the hearing.
5. If you have trouble communicating in **English**.
6. You have **questions** about how the hearing will be held.

IV. If you are late

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 email Administrative Assistant, Robyn Smith at Robyn.Smith@jocogov.org, to let the Court know you will be late or cannot attend and the reason for the same, otherwise any rulings by the Court will stay and a motion must be filed to reconsider.

V. Exhibits: Accounting for Hearing by ZOOM Video Conference

- All exhibits should be emailed to the Judge's Assistant at least 24 hours prior to the hearing, unless an otherwise specified time is granted by the Judge.
- Exhibits need to be emailed as a single PDF attachment. Exhibits are to be bookmarked / tabbed and clearly labeled for easy navigation during the hearing. A Joint Master Exhibit List will need to be attached and prepared well in advance of the trial. If a Protective Order was entered, exhibits which were intended to be treated as confidential should be noted as such on the Joint Master Exhibit List.

- All marked exhibits for use in the trial should be exchanged by a date certain prior to the Final Trial Conference. Objections to the exhibits, if any, will be addressed at the Final Trial Conference to minimize delays during the trial.
- Exhibits will be deemed received during trial as they are identified by the first sponsoring witness, absent a sustained contemporary objection to preserve the record at the first identification. There will be no need for counsel to move for receipt or admission of exhibits into evidence at the trial.
- For in person hearings - Originals or Copies of the exhibits for use by the witnesses should all be in three-ring binders that will be placed on the witness stand prior to starting the trial. Witnesses will be asked to turn to a tab in the binder to identify exhibits for the record. There will be no need to continually approach the witnesses to hand them exhibits separately to identify.

VI. Local Rules

Please check the local court civil rules as to more specific questions on briefing guidelines, withdrawals from representation, reasonable times for deposition notices (five days), case assignments, etc. The Local Court Rules are on the District Court website found at <http://courts.jocogov.org/dc.aspx>.

VII. Conduct in Court Proceedings

Division 19 expects all parties, including attorney's and unrepresented parties to be dressed in court appropriate attire. This means no tank tops, shorts, torn jeans, no chewing gum or drinks. Please address the Court in appropriate tones while speaking. **Local rules regarding appropriate attire and decorum are also mandated for ZOOM video hearings.**

All attorneys and parties appearing in any hearing ordinarily shall use the courtroom entrance door. But, if no jury is present, and counsel (or self-represented parties) are directed to chambers for a conference, assuming the jury is absent, counsel may enter the courtroom through the door connecting the court room and administrative assistant's office.

Young children should not be brought into the courtroom or present at ZOOM hearings. Children shall not be in a location that allows the child to hear or watch the video hearing. 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/video hearing, unless a court order has been filed which allows it.

VIII. Electronic Devices – In person hearings.

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.

IX. Ex Parte Temporary Orders.

Local Court Civil Rule 25 governs what issues the Court will consider when a divorce case is filed, and ex parte temporary orders are requested by the party who filed the case. If only ex parte financial and property temporary orders are being requested, use Court-Approved Form 1. If ex parte temporary orders are being requested for legal custody, parenting time, child support, or spousal maintenance, use Court-Approved Form 2. All ex parte temporary orders must be submitted electronically via the court e-filing system and must be in Word format. A verified motion requesting the ex parte temporary orders should also be filed. If child support or spousal maintenance are being requested, a domestic relations affidavit and proposed child support worksheet must be filed. A request for immediate and exclusive possession of the marital residence will not be granted absent evidence of a risk of violence or other extraordinary circumstances.

Limited ex parte temporary orders may be issued in paternity cases pursuant to K.S.A. 23-2224. These ex parte temporary orders shall be limited to orders restraining both parties from harassing or interfering with the privacy rights of each other, and an order confirming the existing de facto custody of a child.

X. Emergency Motions.

Hearings pursuant to K.S.A. 23-3219 will not be conducted via telephone, as sworn testimony of the moving party is required. A verified motion must be filed prior to the Court conducting any ex parte emergency hearing. Counsel or self-represented parties who are requesting ex parte emergency relief must make a good faith effort to notify the attorney representing the opposing party prior to contacting the Court for a hearing. Sending an email with a copy of the emergency motion a few minutes prior to the hearing is not a good faith effort.

XI. 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.

XII. Court Policy for Settled Cases.

For cases that are settled, which means that the parties have reached agreement on pending issues, Orders may be submitted for the Court's approval without a hearing or appearance by the parties when:

- Both parties are represented by attorneys;
- The Journal Entry or Order is signed by both attorneys of record;
- Applicable written agreement(s) have been filed;
- A current Domestic Relations Affidavit has been filed (if applicable);
- The Child Support Worksheet has been submitted for the Court's signature;
- Both parents have completed Parents Forever (if applicable).

*****If one party or both parties are not represented by counsel, the Court requires a hearing on the record, which means in the courtroom, with the parties present in order to finalize the matter. The party or attorney scheduling the hearing must file a Notice of Hearing, and properly serve the other party.**

XIII. Family Court Policy for Approval of Settled Divorce Cases.

For divorce cases that are settled, the Decree of Divorce may be submitted for the Court's approval without a hearing or appearance by the parties when:

- Both parties are represented by attorneys;
- The Decree of Divorce is signed by both attorneys of record;
- A Property Settlement Agreement is filed;
- An Agreed Parenting Plan is filed;
- A Child Support Worksheet is submitted for the Court's signature;
- A current Domestic Relations Affidavit is filed;
- A Spreadsheet of Assets and Liabilities (Division of Net Worth) is submitted;
- Both parents have completed Parents Forever;
- Counsel has completed the Vital Statistics report form and completed the Kansas Payment Center Child Support Order Information Sheet.

XIV. Pretrial Conferences.

All parties must appear with counsel at the pretrial conference, unless a party is granted permission by the Court to not appear. All Pretrial Conference are expected to be in person, unless otherwise granted to be via ZOOM by Judge. One (1) joint Pretrial Order is required to be submitted in all cases tried to the Court, unless the Court orders otherwise. Counsel must submit the proposed Pretrial Order into the electronic queue two (2) days in advance of the scheduled pretrial conference. The proposed Pretrial Order must be submitted in Word format. Failure to submit the Pretrial Order by the deadline will result in the Pretrial Conference being converted to a status conference. Self-represented parties must cooperate with opposing counsel to complete the Pretrial Order. If asset and debt division is an issue for trial, counsel must attach one joint spreadsheet of assets and liabilities to the Pretrial Order.

XV. Motions to Compel.

If a Motion to Compel is filed pursuant to K.S.A. 60-237, counsel must schedule a conference call with the Court to discuss the motion before it will be scheduled for a hearing. Parties are reminded that K.S.A. 60-237 will be strictly applied. Motions to compel require the moving party to certify that they have made a good faith effort to resolve the dispute by conferring or attempting to confer with the party who has not provided the discovery items. Sending one letter or email, or making one phone call, does not constitute the required effort.

XVI. Bench Copies of Pleadings.

Local Court Civil Rule 8 addresses bench copies of motions, briefs in support, and briefs in opposition. 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.