

K. Christopher Jayaram – District Court Judge

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Division 12 Court Rules

I. Pillars of Professionalism

Division 12 expects all counsel and litigants to be aware of and strive to effectuate and comport their work with the Pillars of Professionalism by the late Kansas Supreme Court Justice, Robert E. Davis. See Division 12's site for these specifics.

II. 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, unless the Judge initiates the email or requests that you email the Judge directly.

III. Assistance that the Administrative Assistant can Provide.

The Court's 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.

IV. Requesting a hearing date

When requesting hearing dates please email the administrative assistant with the case number in the subject line, copy all parties, provide the Court with the type of hearing, provide the Court with how much time is anticipated for each hearing, and indicate how far out you would like to schedule. Parties will be held to the time requested or allowed by the Court.

If new motions are filed after a hearing date is provided and set, do not assume they will be heard at the same date and time as the previously-scheduled matter. Specific time has been allotted for each scheduled matter. **You must contact the administrative assistant to seek 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 as soon as possible. The Court may, in its discretion, impose appropriate costs or sanctions upon a party or counsel for hearings that are cancelled without sufficient and timely notice.

V. Remote Hearings

The worldwide COVID-19 pandemic forced the Court to make many changes to keep the public safe. During the active stages of the pandemic, we drastically reduced the number of in-person hearings. However, as we move forward, the Court intends to return to a default of in-person hearings, while retaining discretion to conduct remote proceedings to promote judicial economy, efficiency and to ensure the just, speedy, and inexpensive adjudications of matters pending before the Court. Certain matters may continue to be remote in nature, such as case management conferences, status conferences, or short motion hearings, *at the judge's discretion*. However, parties may always request in-person hearings, and the Court will consider the same.

VI. 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 Division 12's Administrative Assistant (at the email address listed on the Court's website) to let the Court know you will be late or cannot attend, as well as the reason for the same, otherwise any rulings by the Court will be deemed final, absent further Orders.

VII. Exhibits: Use and submission for trial

Effective June 1, 2024:

- **All exhibits (excluding impeachment and/or rebuttal material) should be marked, electronically submitted,** and included on a submitted Exhibit List, as prescribed by

Division 12 Rules. If a Protective Order was entered, exhibits that were intended to be treated as “confidential” should be noted as such on the Parties’ Exhibit Lists.

- Copies of the exhibits for use as part of a parties’ initial case in chief **should be electronically transmitted and available to all parties at least seven (7) days prior to trial.**
- All marked exhibits for use in the trial during a party’s case in chief shall be exchanged electronically and actively viewable at least seven (7) days prior to the Trial. Objections to the exhibits, if any, may be addressed at or prior to the beginning of Trial, as necessary and appropriate, to minimize delays during the trial.
- The parties and/or counsel are required to confer once exhibits have been electronically transmitted and confirm that each side is able to access and review all submitted exhibits. This Conference shall take place no later than two (2) days prior to trial, absent leave of court.

VIII. Exhibits: Use and submission for other hearings

Effective June 1, 2024:

- All exhibits for any hearing other than final trials (excluding impeachment and/or rebuttal material) should be marked, included on an Exhibit List, and provided **electronically, no later than forty-eight (48) hours before the scheduled hearing.**

IX. Local Rules

Please check the local court civil rules for Johnson County as to more questions on motions, briefing guidelines, withdrawals from representation, reasonable times for deposition notices (five days), case assignments, etc. The Court’s division rules are supplemental to those Local Rules; however, where there is any conflict, these division rules govern.

The Local Court Rules are on the District Court website found at <http://courts.jocogov.org/dc.aspx>.

X. Conduct in Court Proceedings

Division 12 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 video hearings.**

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, particularly in domestic proceedings. 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.

XI. 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.

See also, Division 12 Supplemental Rules for Non-Media use of Electronic Devices in the courtroom.

XII. Ex Parte Temporary Orders

See Local Rule 15 and Division 12 policies on the Division site.

XIII. 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, in the Court's opinion.

XIV. E-Filing Submission of Journal Entries

All proposed orders or journal entries submitted to the Court for approval and signature must be in modifiable (preferably .pdf) format. Documents submitted in non-modifiable format will be rejected, if changes are needed.

XV. Policy for Approval of Settled Domestic Cases.

See Family Court Policy for Approval of settled or uncontested divorce and/or Parentage matters on the Court's website.

XVI. Pretrial Conferences

In Domestic cases, the parties must appear with counsel at the final pretrial conference, unless a party is granted permission by the Court to not appear. **In all other cases, appearance and participation by the litigants is optional**, unless otherwise ordered by the Court.

One (1) joint Pretrial Order is required to be submitted in all cases, unless the Court orders otherwise. ***Counsel must file and submit the proposed Pretrial Order into the Division 12 via email to the Division 12 Administrative Assistant in advance of the scheduled pretrial conference no later than noon on the Friday prior to the conference.*** The proposed Pretrial Order must be submitted by Petitioner/Plaintiff in Word format.

Failure to submit the Pretrial Order by the deadline may result in the Pretrial Conference being converted to a status conference and the imposition of sanctions on a party, his/her counsel, or both. All parties and counsel must cooperate with opposing counsel to complete the Pretrial Order. In domestic proceedings, if asset and debt division is an issue for trial, counsel must also submit one joint spreadsheet of assets and liabilities as an attachment to the Pretrial Order.

XVII. Motions to Compel

If a Motion to Compel is filed pursuant to K.S.A. 60-237, counsel must, contemporaneous with the filing, schedule a conference call with the Court to informally discuss the motion before it will be scheduled for the motion hearing. Parties are required to forward a summary of the dispute of less than one page by email to the Division 12 Administrative Assistant at least 24 hours prior to the scheduled preliminary informal call. The Court will review the parties' good faith efforts to meet and confer under 60-237 and will discuss the substantive issues with the parties—in advance of a formal hearing on the pending motion.

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, in the Court's view. The Court expects that the parties and/or Counsel will have spoken/met and conferred on the substance of the matter before the filing.

XVIII. 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. 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 sufficient delivery to the Court of bench copies of documents.