

DIVISION 14 - COURT RULES

PAUL W. BURMASTER, DISTRICT COURT JUDGE

STACEY M. PENNELL, ADMINISTRATIVE ASSISTANT/BAILIFF

Stacey.Pennell@JOCOGOV.ORG

A. GENERAL

1. **Conduct.** Counsel, Parties, and Witnesses are expected to treat each other with civility and courtesy. Do not feel free to interrupt. When on Zoom, please behave with courtesy just as you would in the physical courtroom. Any personnel appointed to assist the Court will likewise be treated with civility.
2. **Administrative Assistant.** The Court's AA is not permitted to give legal advice. Please do not ask her for legal advice. Please do not attempt to litigate your case with the AA. Communication with the AA is for scheduling only. You may not email the AA to issue complaints or for any other reason. Violation of this rule may subject you to contempt proceedings or criminal charges.
3. **Email.** Please do not email the Judge directly without permission. All email must go through the Judge's AA. Stacey.Pennell@jocogov.org
4. **Recording of Hearings.** Pursuant to Supreme Court Rule 1001, no one may record hearings, either in person or by Zoom, without permission of the Court. Violations of this rule will result in contempt proceedings.
5. **Attire.** Counsel, Parties and Witnesses are expected to dress for court, including Video Court.
6. **Witnesses by Video.** For trials and contested hearings by video, please be aware that parties and witnesses are required to sit in a separate room when they are "on the stand" testifying.
7. **Notice of Hearing.** When counsel or a pro se party asks for a matter to be scheduled, counsel or parties are required to send out a notice of the hearing. Please include the name of the motion, the document number, and the filing date from the ROA in the Notice so it is clear to everyone what is going to be heard. You May Not simply notice up hearings or assume you can *add* motions to a previously scheduled hearing. You *must* ask the Court's AA first for permission to schedule a motion or other matter so that we can ensure there is enough time for your matter or motion to be heard.

B. MOTIONS

1. Absent leave of court, a motion will not be scheduled on the docket until it has been filed with the clerk. Parties must clear the specific motions with Division 14 and indicate the motions to be heard in the notice of hearing. Counsel are not allowed to simply add on motions to a hearing date that is already set without court approval.
2. Counsel are advised that if there is an expectation of review by the Judge prior to a hearing date (such as a motion to continue), a chambers copy must be provided. Electronic delivery is preferred.
3. After a Motion to Compel has been filed, counsel must schedule a zoom status conference with the court to discuss the motion being placed on a motion hearing docket. Any party to such a motion is reminded that K.S.A. 60-237 will be strictly applied. You must confer with the opposing party or their counsel before filing a motion to compel. A “Golden Rule” letter is not a substitute for conferring.
4. If a motion has been properly before the court in excess of 14 days, the court *may* rule on the motion at a hearing or via written decision, even if the motion was not specifically noticed for hearing on the date and time in question or if a response had not been filed.

C. JUDGE’S E-QUEUE

1. Any Order (including Orders to Withdraw) submitted in the electronic queue more than 3 days prior to the non-appearance hearing *may* be rejected and if so will need to be refiled.
2. All submitted orders need to have the signatures of all counsel or self-represented parties. If the order is not agreed, contact Division 14 to schedule a hearing.

D. PRETRIAL CONFERENCES

Parties are to submit a Pretrial Order via email to Ms. Pennell at least two days prior to any Pretrial Conference. Petitioner’s counsel is to prepare a proposed joint Order and forward it to Respondent’s counsel at least 7 days prior to the hearing. If this procedure is not followed and the proposed Order not timely submitted, the court may consider sanctions, waiver of positions or rescheduling of the Pretrial Conference or continuance of the matter

E. MINOR CHILD TESTIMONY

Any party who desires to call a minor child to testify, or desires to admit child testimony in some other form, in any proceeding, must file a Notice of Intent to Call

Minor Child as a Witness, pursuant to Local Rule 19. The notice must be filed at least 14 days prior to the hearing date and a zoom status conference must be scheduled for the court to make the proper considerations as required by Local Rule 19. Failure to adhere to Local Rule 19 may result in sanctions for any attorney or party who brings a minor child into the courtroom with the intent to testify without prior approval from the court.

F. NUNC PRO TUNC ORDERS

All motions requesting a Nunc Pro Tunc Order must have a proposed Nunc Pro Tunc Order placed in the Judge's electronic queue at the time of filing. "Nunc Pro Tunc" means "now for then". Therefore, the entire new Order, labeled Nunc Pro Tunc Order, with the proposed changes, must be filed as the proposed new Order if the motion is granted. A proposed Order that simply has the corrections and refers back to the original Order for the remaining provisions will be rejected.

G. CASE MANAGEMENT CONFERENCES

When a new case is filed, or if a case is not being advanced timely, the case will be set on an in-person Case Management Conference (CMC) docket. If the parties submit a completed Case Management Order (CMO) by email to Ms. Pennell 48 hours prior to the conference, they do not need to appear at the docket and it will be cancelled. Please obtain confirmation from Division 14 that the CMO was accepted and your case was removed from the docket. **YOU WILL NEED TO OBTAIN A TRIAL DATE AND FINAL PRETRIAL CONFERENCE DATE FROM DIVISION 14 PRIOR TO SUBMITTING YOUR PROPOSED CMO.** Do not email Division 14 and attempt to obtain trial dates in the 48 hours prior to your schedule CMC hearing.