

MOTION DAYS, 1954

KANSAS JUDICIAL COUNCIL BULLETIN

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PART 4—TWENTY-SEVENTH ANNUAL REPORT



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Of the Kansas City, Kansas, Bar

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FOREWORD

On occasion the Judicial Council has printed articles by members of the bar of Kansas dealing with improvements in the administrative processes. In this issue we have an article prepared by Edward M. Boddington of the Kansas City, Kansas, bar on the general subject of modernizing our code of civil procedure. Mr. Boddington, whose photograph is printed on the front cover of this issue, is well qualified to write on the subject. Mr. Boddington, a native born Kansan, was graduated from Kansas University with an A. B. degree in 1914 and LL. B. in 1916, was shortly admitted to the Bar of Kansas and has since been active in the practice, and in the activities of the Bar Association of the State of Kansas, serving as Chairman of its Committee on Legal Education and Admission of the Bar from 1936 to 1941, and as Chairman of the Committee on Prospective Legislation from 1947 to 1953. He was also President of the Wyandotte County Bar Association for the year 1951. In view of the efforts which are being put forth to obtain a revision of the Code of Civil Procedure the article is very timely.

In this issue, following our long-time custom, we print a list of the motion days in the various judicial districts for the year 1954 as the same have been designated by the judges of the several districts.

In our BULLETIN for December, 1946, we printed the Standard for Title Opinions adopted by the Bar of the State of Kansas. Due to changes later made in our BULLETIN for July, 1949, the Standards were reprinted. Amendments thereafter were printed in our BULLETINS for July, 1951, and July, 1952. Within the past few weeks the Bar Association has prepared an up to date loose-leaf edition of the Title Standards for the use of its members and of others who may be interested. Persons not having a copy and desiring to acquire this recent addition should address John W. Shuart, Executive Secretary, Bar Association of the State of Kansas, 522 Garlinghouse Building, Topeka, Kansas.

Justice Walter G. Thiele, a member of the Judicial Council since June 10, 1941, tendered his resignation as a member of the Council effective December 31, 1953. The Chief Justice has accepted the resignation and has appointed Justice Robert T. Price to fill the vacancy.

Modernize the Antique Civil Code of Procedure of Kansas and Improve the Administration of Justice

EDWARD M. BODDINGTON

For years the Bar Association of the State of Kansas has consistently and continuously made suggestions and adopted resolutions on long past-due changes which should be made in our Civil Code of Procedure to improve the administration of justice. Unfortunately, little progress has been made in effectuating such resolve. The public does not seem interested in the matter and that is perhaps due to the fact that it has not been educated to the serious limitations of law now in vogue under which its rights are determined. Some resolutions of the Kansas Bar Association have been carried out, such as (1) raising the standards of admittance for lawyers to practice in the state of Kansas (Supreme Court Rule 39), (2) pretrial conferences (G. S. 60-2705), and (3) the badly needed Judge's Retirement Law (Laws of 1953, Chapter 182). The Bar Association has adopted resolutions favoring a Civil Code of Procedure in the state of Kansas, patterned, with some modifications and exceptions, after the Federal Rules of Civil Procedure. Among other things, this would permit litigants the right of discovery through depositions and written interrogatories. This result could be obtained either by giving the Supreme Court the power to re-write the Code or by the passage of legislation to accomplish the purpose. Bills were prepared and introduced in the state legislature, having in mind the accomplishments of such results, but none of them have been passed by the several legislatures during the past seven years. The Chairman of the State Bar Committee on Prospective Legislation has been informed that the public has not been educated to the importance of such changes and that some "spade work" should be done.

In order to modernize the administration of justice in Kansas, there are a few specific improvements which should be considered. These will concern not only certain antiquated civil procedures, but also the method we employ in the election of our judges of the district courts and our justices of the supreme court. In order that Kansas may keep abreast of the times, the writer feels that Kansas must adopt as part of its Code of Civil Procedure, those Federal Rules of Civil Procedure insofar as the right of discovery, depositions and interrogatories are concerned; and the right to have a litigant examined before trial by a physician where the mental and physical condition of a party is in controversy; and, finally, in the selection of our district judges and supreme court justices, we should follow the Bar Association's recommendations and upon re-election the judges should run against their own records without opposition, as advocated by the American Bar Association.

Let us first consider the subject matter contained in the resolution adopted by the State Bar Association in 1948 as follows:

"The Code of Civil Procedure in the state of Kansas should be patterned with some modifications and exceptions after the Federal Rules of Civil Procedure, and legislation necessary to so modernize our Kansas Code should be considered and promulgated at the earliest possible moment by this Bar Association so that this Association might interest itself in having such legislation introduced at the 1949 session of the Kansas legislature."

A bill was prepared to give the Supreme Court of Kansas extensive powers in revamping the Civil Code and rules thereunder, subject to the will and approval of the legislature. The matter was referred to the Judiciary Committees and to the Judicial Council, but no specific conclusion was reached.

Kansas litigants should have the right of discovery, to take depositions, and secure interrogatories without the limitations of the present law. Ninety-five years ago, during the period of Indians, buffalo and creaking covered wagons, the present statutes on discovery were passed by the Territorial Legislature. Strict construction of these statutes by the court has practically obliterated the right to take depositions or to secure interrogatories. It is impossible in this state to secure evidence and prepare a case properly for trial because of this restriction. Both the territorial laws of 1858 and 1859 contained the substance of the deposition laws as found in G. S. 1868, Chapter 80, Sections 321, 347, 354, 356, 357, 360 and 346 and in parentheses you will find the numbers of those same sections today in G. S. 1949:

"SEC. 321 (60-2803). Any party to a civil action or proceeding may compel any adverse party or person, for whose benefit such action or proceeding is instituted, prosecuted or defended, at the trial, or by deposition, to testify as a witness in the same manner, and subject to the same rules, as other witnesses."

"SEC. 347 (60-2820). Either party may commence taking testimony by deposition at any time after service upon the defendant." (To the foregoing there was added only a slight change in 1909 as follows: "or the date of first publication of notice.")

"SEC. 354 (60-2837). The deposition shall be written in the presence of the officer taking the same, either by the officer, the witness or some disinterested person, and subscribed by the witness."

"SEC. 356 (60-2839). The depositions taken pursuant to this article shall be admitted in evidence on the trial of any civil action or proceeding, pending before any justice of the peace, mayor or other judicial officer, arbitrator or referee."

"SEC. 357 (60-2840). When a deposition has been once taken, it may be read in any stage of the same action or proceeding, or in any other action or proceeding upon the same matter between the same parties, subject, however, to all such exceptions as may be taken thereto under the provisions of this article."

"SEC. 360 (60-2843). When a deposition is offered to be read in evidence, it must appear to the satisfaction of the court that, for any cause specified in section three hundred and forty-six, the attendance of the witness cannot be procured."

"SEC. 346 (60-2819). The deposition of any witness may be used only in the following cases: *First*, When the witness does not reside in the county where the action or proceeding is pending, or is sent for trial by change of venue, or is absent therefrom. *Second*, When, from age, infirmity or imprisonment, the witness is unable to attend court, or is dead. *Third*, When the testimony is required upon a motion, or in any other case where the oral testimony of the witness is not required."

The 1909 legislature passed a law giving any party the right to take the deposition of the adverse party, his agent, or employee, etc., when any one of them is without the jurisdiction of the court or cannot be reached by the process of the trial court. Said law (G. S. 1949, 60-2821) amplified the then-existing statutes on the right to take depositions; however, later in the 1909 session, the same legislature in an act (Chapter 182) concerning the Code of Civil Procedure did, by Section 319 thereof, adopt and re-enact the identical

and original Section 321. Such legislative conduct might be well construed as a mandate in 1909 to liberally construe the law on the taking of depositions so as to give the statute force, effect and adaptability.

The rules for the taking of a deposition and the rules for the use of a deposition are entirely separate and should not be confused. Section 321, *supra*, provides that any party may take the deposition of his opponent the same as any other witness, and Section 3820 says the taking of depositions may begin as soon as summons is served. Thus, the general rule seems to permit a party to take the deposition of his opponent; however, after the deposition has been taken and is offered at the trial, then the rule as to whether it can be used or not is a different rule and is set forth in Section 346, *supra*, which provides that it can only be used when the witness is not in the county or when he is too ill or old to attend or when he is dead or imprisoned. That is a rule for the use of the deposition and does not come into play until after the deposition has been taken and is offered in evidence at the trial. In fact, none of those items or conditions can properly be determined until the deposition is offered at the trial. No one knows, when a deposition is about to be taken, whether the witness will reside in the county, or whether he will be infirm or imprisoned, or dead at the time of the trial, and those matters should be left for determination at the time of the trial and when the deposition is offered. Nevertheless, as shown by the decisions below cited, some of those questions were taken up and considered when the deposition was offered. None of these difficulties arise at all or have long since been abandoned and repudiated in other states and in the federal courts.

Since the population and manufacturing in Kansas have increased, the civilization has become more complex and there have been many changes and modernization in living and in travel, it would seem that the people of Kansas should be permitted to have their lawsuits prepared under a concept of the law on deposition as stated by Justice Brewer *In re Abeles*, 12 Kan. 453 (1874), l. c. 453:

"Now the giving of testimony, whether on the trial or by deposition, is not a privilege of the witness, but a right of the party. He need not solicit; he can compel. It seems to us, therefore, that under our statutes a witness may be compelled to give his deposition, although he reside in the county where the action is pending. . . . It is also said that this permits one to go on a 'fishing expedition' to ascertain his adversary's testimony. This is an equal right of both parties, and justice will not be apt to suffer if each party knows fully beforehand his adversary's testimony."

It has been the rule since 1887 that you cannot take the deposition of a party in a pending case to "fish out" in advance what his testimony will be, and to annoy or oppress him, and not for the purpose of using the same as evidence (*In re Davis, Petitioner*, 38 Kan. 408).

In re Cubberly, Petitioner, 39 Kan. 291,

"The taking of the deposition of a party in a pending case, merely to ascertain in advance what his testimony will be, and not for the purpose of using the same as evidence, is an abuse of judicial authority and process; and a party committed for refusing to give his deposition in such a case, will be released on *habeas corpus*."

In *Hanke v. Harlow*, 83 Kan. 738 (1911), which was the case of an appeal from an order restraining the appellant from taking the depositions of parties

to the suit who resided in the counties adjoining the one in which the action was pending, the court said (l. c. 738):

"There was evidence that the Petersons intended to be present at the trial, that there was nothing in their situation or circumstances to prevent them from attending the trial, and that the appellant had no reason to apprehend that they would not be there to testify. There was further evidence that the appellant was not proceeding in good faith, that she was merely 'fishing,' and that her purpose was to harass and oppress her adversaries. Under these circumstances the court did not abuse its discretion in issuing the order."

In *Long v. Prairie Oil and Gas Company*, 135 Kan. 440 (decided in 1932), the court said (l. c. 441):

"From the judgment rendered in favor of the defendants the plaintiff appeals, urging in the first place that the statutes of the state (R. S. 60-2803, 60-2821 and 60-2822) accord to a litigant the right to take the deposition of the opposing parties and that there are no statutory restrictions or limitations on that right and privilege, and cite the early decision of *In re Abeles*, 12 Kan. 451, which fully sustains that contention. Appellant also cites the cases of *In re Davis, Petitioner*, 38 Kan. 408, 16 Pac. 790, *In re Cubberly, Petitioner*, 39 Kan. 291, 18 Pac. 173, and *Hanke v. Harlow*, 83 Kan. 738, 112 Pac. 616, and points out the distinctions between the facts and circumstances in them and in the case at bar. These three cases restrict the right and privilege when the taking of the deposition does not seem to be in good faith and for the purpose of using the testimony at the trial. All of these cases condemn the practice of fishing expeditions, or attempts to learn in advance the testimony of the opposing party. These cases presented features not involved in the Abeles case, which caused the court to conclude that the taking of depositions under such circumstances was an abuse of judicial authority and process, and in the Hanke case it is specifically stated that the holding in the Abeles case does not apply."

In *Ross v. The Kansas City Public Service Company*, 151 Kan. 132 (1940), the court quoted the Davis case and the Long case, *supra*, and adhered to the rule that the defendant is not authorized to take plaintiff's deposition for the sole purpose of ascertaining plaintiff's statements of how the injury occurred. The court said, "Our former decisions do not authorize the taking of a deposition of a party to the action simply to get information and without the intention of using it at the trial." (l. c. 135.)

The court was advised that under somewhat similar statutes, Missouri permitted depositions of an adverse party to be taken and the court said, "Without stopping to analyze this argument carefully, we call attention to the fact that for half a century at least our statute has been construed differently. We think that if any change is to be made in this procedure, it should be done by the legislature rather than by the court." (l. c. 136.)

Contrast our Kansas law of discovery with that of other states. Since there has been no progress in Kansas toward permitting depositions and interrogatories in the past 95 years, let us see what progress has been made in the federal court and in the surrounding states of Missouri, Nebraska, Oklahoma and Colorado. In 1937 the original Federal Rules of Civil Procedure were promulgated and were amended in 1939 and 1946, respectively, and, under the supervision of the court in certain instances, depositions and interrogatories and discovery have been made the fundamental order of the day. Space does not permit a discussion of those excellent rules, but every lawyer in Kansas knows their practicability. They furnish the plan by which a lawyer can

investigate his case in a manner that makes it count no matter which side of the table he is on.

There is no restriction on taking a deposition in the state of *Missouri*, regardless of whether the deposition is to be used or not. Since 1917 "Any party to a suit pending in any court in this state may obtain the deposition of any witness to be used in any suit, conditionally."

In the state of *Oklahoma*, either party may commence taking depositions at any time after the service of summons and those depositions may be used at the trial if the witness is absent from the county.

In the state of *Nebraska*, the deposition may be taken "by either party upon oral examination or written interrogatories *for discovery or as evidence.*"

On January 6, 1941, by virtue of the authority given the Supreme Court of *Colorado* by the Legislature of Colorado (Laws of 1913, Page 447, Section 1; Laws of 1939, Chapter 80, Page 264), it promulgated and adopted new Rules of Practice and Procedure in all Courts of Record. These rules are practically in line with the Federal Rules of Civil Procedure. The trend of events that led up to such a conclusion is interesting. The Colorado Rules were adopted as the result of several years of sustained effort on the part of the Colorado Bar Association. The basic resolution therefor was adopted in September, 1938, and the Bar's final report was submitted to the State Bar meeting in 1940. The Legislature of Colorado passed an enabling act in 1939 and the whole matter was submitted to the Supreme Court of Colorado which entered its order of approval and adoption as aforesaid. A great majority of the bar of Colorado are enthusiastically supporting the new rules as invaluable tools of procedure.

In the Federal Court of Kansas and in the State Courts of Missouri, Nebraska, Oklahoma and Colorado, litigants are permitted the right to have their cases properly prepared before coming in for trial. The judges of said states and also in the Federal Court are given a far better opportunity to administer justice than is the Kansas judiciary.

How long will the public of Kansas, the bar of Kansas and the litigants of Kansas endure the prohibition which exists against searching for and obtaining evidence for use in our courts? Most certainly our Code of Civil Procedure as construed by the Supreme Court since the Brewer decision is so restrictive that it defeats its purpose. It is no wonder litigants are turning to forums and commissions and to the Federal Court for the solving of their legal problems. It is no wonder the law practice is drifting away from the Civil Courts of Kansas. It is time the people of Kansas awaken. It is high time we provide these very vital and basic tools of discovery which are paramount in the administration of justice.

Under G. S. 1949, Section 60-2805, the law provides that a physician or surgeon is incompetent to testify concerning any communication made to him by his patient with reference to any physical or supposed physical disease, defect, or injury, or the time, manner, or circumstances under which the ailment was incurred, or concerning any knowledge obtained by a personal examination of any such patient, without the consent of the patient. We find further in G. S. 1949, 44-515 to 44-519 and 44-528 that under the Kansas Workmen's Compensation Code, testimony is permitted by any physician and surgeon who treated the claimant and it permits, also, a medical examination

before trial and provides a penalty for the refusal on the part of the claimant to submit to such medical examination. Thus we see that our compensation law in this respect has kept abreast of the times and provides the proper preparation of a case to present before the commissioner; however, under our archaic practice in the District Court, a medical examination is impossible to obtain of a party to a controversy claiming mental or physical injuries prior to trial, and we even go so far as to say "communications made to a physician by a patient" are privileged so litigants are without information or the right to obtain information as to the condition of a party, prior to trial time. The new Federal rules, however, provide that a litigant may obtain an order on motion for good cause shown and upon notice to the litigant to be examined, and such litigant must submit to a physical or mental examination by a physician. If the person examined so requests, the party causing such examination to be made shall deliver to the examined party, a copy of the detailed written report of the examining physician setting out his findings and conclusion and, thereafter, the party being examined waives any privilege he may have in the action regarding the testimony of any other person who has examined him or who may thereafter examine him in respect to the same mental or physical condition. So it is that under the Federal rule, litigants are given the opportunity to examine, or to have examined, litigants who claim personal injuries.

So it is that if litigants could obtain the deposition of parties and witnesses to pending cases in Kansas, and also obtain complete information concerning the nature and extent of the injuries claimed, litigants and their lawyers could then properly evaluate their cases before trial.

We have been blessed in Kansas with the ability and competency of our judiciary. However, it seems to the writer at least, that it is an unwarranted imposition upon all of the judiciary to place them in the melee of partisan politics. Politics should not be the motivating factor in elevating a lawyer to the bench and, in eliminating the present method of choosing our judiciary, Kansas might well adopt the American Bar Association's plan in the selection and tenure of its judges.

The state of Missouri has a slightly different plan whereby the Bar Association recommends several names to the governor for appointment to the bench and the governor makes his appointment from the list of recommended lawyers. Thereafter, upon the expiration of the term, the judge then runs against his own record. The pros and cons of this system need not be discussed at the present time. It is merely an indication that other states are coming to the conclusion that the judiciary should be eliminated from purely partisan politics.

The Bar Association of the State of Kansas has been virtually of one mind in its resolves and attempts to improve our Code of Civil Procedure and for changes in the law relating to selection and tenure of judges. It is the opinion of the writer that if the state of Kansas and the legal profession of the state of Kansas is to keep abreast of the times, we must give the litigants of Kansas the opportunity, the lawyers the opportunity, and the courts the opportunity to have cases properly prepared through discovery as is provided for by modern codes such as the Federal Rules of Civil Procedure and the codes of the four states which surround Kansas.

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Address all inquiries to: THE JUDICIAL COUNCIL, STATE HOUSE, TOPEKA, KAN.

MOTION DAYS IN DISTRICT COURTS—1954

(Please see notes on page 89)

Country	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Allen. (See note 2)	Iola.	Spencer A. Gard.	Ina F. West.	37	12 15	1 15	8 22	5 19	4 24	14	13	5 18	8 29	20
Anderson.	Garnett.	Floyd H. Coffman.	Mrs. Nell R. Graves.	4	5	2	7	6	4	14	14	11	2	6
Atchison.	Atchison.	Lawrence F. Day.	Hal Waisner.	2	6 13 20 27	3 10 17 24	3 10 17 24 31	7 14 21 28	5 12 19 26	2 9 16 23 30	15 22 29	6 13 20 27	3 10 17 24 29	1 8 15 22
Barber.	Medicine Lodge.	Clark A. Wallace.	Edith Myers.	24	6	8	5	26	13	3	10	25	4	9
Barton.	Great Bend.	Roy J. McMullen.	Geneva Steincamp.	20	6	3	2	7	5	7	1	6	1	1
Bourbon. (See note 4)	Fort Scott.	Harry W. Fisher.	Amy Armstrong.	6	4 8 15 22 29	5 12 19 26	5 12 19 26	2 9 16 23 30	7 14 21 28	4 11 18 25	3 10 17 24	1 8 15 22 29	5 12 19 26 31	3 10 17 24
Brown.	Hiawatha.	John L. Gernon.	Edna Boicourt.	22	19	16	16	20	18	1	21	19	16	21
Butler. Div. No. 1. Div. No. 2.	El Dorado.	Carl Ackerman W. N. Calkins	Harry R. Martin.	13	13	3	7	7	5	14	1	13	8	8
Chase.	Cottonwood Falls	Jay Sullivan.	Mildred Speer.	5	29	26	26	30	28	25	24	29	26	31
Chautauqua. Div. No. 1. Div. No. 2.	Sedan.	Carl Ackerman W. N. Calkins	Edith K. Ross.	13	21	5	4	5	13	3	7	7	3	6
Cherokee. Columbus Div. Galena Div.	Columbus.	Jerome Harmon.	Julia Wantiez.	11	5 7	2 4	2 4	6 1	4 6	1 3	7 9	5 7	2 11	7 2

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MOTION DAYS IN DISTRICT COURTS—1954—CONTINUED

(Please see notes on page 89)

County	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Cheyenne	St. Francis	Robert W. Hemphill	Charles N. Roberts	17	23	13	5	5	24	5	18	8	4	6
Clark	Ashland	Karl Miller	Hope Grimes	31	6f	3f	3f	7f	5f	2f	8f	6f	3f	8f
Clay	Clay Center	Lewis L. McLaughlin	Hazel K. Chestnut	21	6	3	7	7	5	7	9	6	7	6
Cloud	Concordia	Marvin O. Brummett	Hazel Champlin	12	4	2	3	5	4	9	27	19	16	13
Coffey	Burlington	Jay Sullivan	Ruth H. Johnson	5	25	22	29	26	31	28	27	25	29	27
Comanche	Coldwater	Karl Miller	Mary Guyer	31	6c	3c	3c	7c	5c	2c	8c	6c	3c	8c
Cowley	Winfield	Albert Faulconer	Sallie K. Smith	19	15	19	19	16	21	18	17	15	19	17
Crawford	Girard	Perry Owsley	Grace Webb	38	4	12	5	5	7	4	3	4	5	3
Girard Div.	Girard	Girard	Girard	18	18	9	15	19	4	14	20	18	9	20
Pittsburg Div.	Pittsburg	Robert W. Hemphill	Mrs. Alice J. Vernon	17	21	11	3	13	10	2	16	1	5	16
Decatur	Oberlin	Robert W. Hemphill	Mrs. Alice J. Vernon	17	21	11	3	13	10	2	16	1	5	16
Dickinson (See note 8)	Abilene	James P. Coleman	Seth Barter, Jr.	8	4	3	3	7	7	2	13	6	1	1
Doniphan	Troy	John I. Gernon	Virgil W. Begesse	22	20	17	17	21	19	2	22	20	17	22
Douglas	Lawrence	Floyd H. Coffman	Lucille Allison	4	8	7	5	2	3	11	3	1	7	10
Edwards	Kinsley	Lorin T. Peters	John Stoner	33	6e	8e	3e	7e	3e	2e	8e	25e	3e	8e
Elk Div. No. 1	Howard	Mrs. Floy B. Magers	Mrs. Floy B. Magers	13	4	4	9	2	3	4	20	1	4	2
Edwards Div. No. 2	Howard	Carl Ackerman W. N. Calkins	Mrs. Floy B. Magers	13	4	4	9	2	3	4	20	1	4	2

MOTION DAYS IN DISTRICT COURTS—1954—CONTINUED

(Please see notes on page 89)

COUNTY	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Ellis	Hays	C. A. Spencer	Walter J. Staab	23	14	1	9	14	17	15	2	18	8	15
Ellsworth	Ellsworth	A. R. Buzick	J. M. Wilson	30	25	18	4	26	22	8	4	11	5	1
Finney	Garden City	Roland H. Tate	G. Mae Purdy	32	11	4a	4a	3a	10	4a	27	2a	4a	4a
Ford	Dodge City	Karl Miller	Elta J. Riley	31	8a 15a 22a 29a	5a 12a 19a 26a	5a 12a 19a 26a	9a 16a 23a 30a	7a 14a 21a	4a 18a 25a	3a 10a 17a 24a	1a 8a 15a 22a	5a 12a 19a	3a 10a 17a
Franklin	Ottawa	Floyd H. Coffman	Christina Woke	4	4	3	3	5	5	9	13	13	3	8
Geary (See note 9)	Junction City	James P. Coleman	C. W. Marston	8	9	6	1	3	1	7	11	2	8	4
Gove	Gove	C. A. Spencer	Louise Brown	23	12	9	15	12	10	21	4	1	15	13
Graham	Hill City	W. K. Skinner	Cora A. Roberts	34	6	1	11	15	10	10	20	12	12	7
Grant	Ulysses	L. L. Morgan	Juanita Barber	39	6d	2d	2a	12a	4d	1d	3a	5d	5d	6a
Gray	Cimarron	Karl Miller	Carrie Borland	31	5c	2c	2c	6c	4c	1c	7c	5c	2c	7c
Greeley	Tribune	Roland H. Tate	Laura M. Holmes	32	5a	8	2a	1a	4a	1a	15a	18	2a	1a
Greenwood Div. No. 1 Div. No. 2	Eureka	Carl Ackerman W. N. Calkins	Alma Long	13	13	12	2	1	17	10	9	11	5	10
Hamilton	Syracuse	Roland H. Tate	Amelia J. Minor	32	7a	22	2d	1d	6a	3a	17a	25	2d	1d
Harper	Anthony	Clark A. Wallace	Helen Pearl	24	11	3	4	12	12	21	9	11	3	8
Harvey	Newton	Alfred G. Schroeder	Mabel A. McMullen	9	21	8	25	22	27	17	16	21	8	16
Haskell	Sublette	L. L. Morgan	Evelyn Yount	39	6a	2a	8a	6a	4a	1a	20a	5a	5a	1a

MOTION DAYS IN DISTRICT COURTS—1954—CONTINUED

(Please see notes on page 89)

County	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Hodgeman	Jetmore	Lorin T. Peters	F. S. Haun	33	6d	23d 3d	3d	7d	17d 5d	2d	8d	6d	8d 3d	8d
Jackson (See Note 15)	Holton	Robert H. Kaul	Chelcia Shelby	36	11	3	3	7	3	9	8	4	3	8
Jefferson (See Note 15)	Oskaloosa	Robert H. Kaul	Myrtle Kimmel	36	15	5	7	9	7	7	10	8	7	10
Jewell	Mankato	Donald J. Magaw	Mrs. Wiley N. Sloan	15	14	4	1	22	13	7	23	21	8	8
Johnson Div. No. 1 Div. No. 2	Olathe	John L. Kirkpatrick Clayton Brenner	Mrs. Gertrude S. Hedberg	10	4	8	1	5	3	7	7	18	8	6
Kearny	Lakin	Roland H. Tate	Bertha Adams	32	7d	2d	8	6a	6d	3d	17d	1d	8	3a
Kingman	Kingman	Clark A. Wallace	Nell H. Walter	24	8	5	22	9	14	7	27	8	5	13
Kiowa	Greensburg	Karl Miller	Eunice E. Rich	31	6a	3a	3a	7a	5a	2a	8a	6a	3a	8a
Labette	Oswego	Hal Hylter	Quincy B. Greer	16	8 22	5 26	5 29	30 5	7 28 24	11 25 14	10 24 13	20 25 25	5 26 29	10 20 13
Parsons Div.	Parsons Div.				11	8	29	5	24	14	13	25	29	13
Laane	Dighton	Roland H. Tate	Mrs. Eva Cramer	32	6a	3a	22	2a	5a	2a	16a	5a	22	2a
Leavenworth	Leavenworth	Joseph J. Dawes	Dorothy Harrison	1	1	5	5	2	7	4	3	1	5	3
Lincoln	Lincoln	A. R. Buzick	Roy Livingood	30	4	15	6	10	17	9	2	9	8	2
Linn (See Note 6)	Mound City	Harry W. Fisher	Will H. Bayless	6	7 21	4 18	4 18	5 22	6 20	10 24	9 23	7 21	4 18	6 23
Logan	Russell Springs	C. A. Spencer	Ada F. Rogge	23	11	8	8	5	1	14	6	26	10	6
Lyon	Emporia	Jay Sullivan	Mrs. Roe C. Collins	5	27	24	31	28	26	30	29	27	24	29

MOTION DAYS IN DISTRICT COURTS—1954—CONTINUED

(Please see notes on page 89)

County	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Marion (See Note 10)	Marion	James P. Coleman	Virgil M. Wiebe	8	12	1	4	8	3	4	9	4	4	2
Marshall	Marysville	Lewis L. McLaughlin	W. J. Koppes	21	8	1	5	9	3	11	10	4	5	10
McPherson	McPherson	Alfred Schroeder	Donald S. Clark	9	11 22	19	26	5 23	14	18	17	4 22	12	17
Meade	Meade	Karl Miller	Ethel R. Copenhaver	31	7c	4c	4c	8c	6c	3c	9c	7c	4c	9c
Miami (See Note 5)	Paola	Harry W. Fisher	Ethel J. Hunt	6	5 19	1 16	2 30	6 20	4 18	7 22	7 21	4 19	2 30	7 21
Mitchell	Beloit	Donald J. Magaw	Ida B. Jamison	15	11	5	4	19	14	10	27	22	10	9
Montgomery Independence Div. Coffeyville Div.	Independence	Warren B. Grant	M. D. Smith	14	2 8	6 5	6 5	3 2	1 7	5 4	4 3	2 1	6 5	4 3
Morris (See Note 11)	Council Grove	James P. Coleman	Virginia Schotes	8	13	4	5	5	5	21	10	7	3	6
Morton	Richfield	L. L. Morgan	Irene Kuder	39	5d	8a	3a	7a	5d	2d	7a	6d	3d	3a
Nemaha	Seneca	John L. Gernon	Ruth Shaffer	22	18	15	15	19	17	7	20	18	15	20
Neosho	Erie	B. M. Dunham	Merle Estes	7	13	10	10	14	12	9	8	13	10	8
Ness	Ness City	Lorin T. Peters	Gladys K. Bondurant	33	7e	4e	8e	8e	5e	3e	13e 9e	7e	4e	13e 9e
Norton (See Note 14)	Norton	Robert W. Hemphill	Arthur V. Poage	17	4 11 20	10	6	19	14	3	6	9	15	15
Osage	Lyndon	A. K. Stavely	Mrs. Shirley Hull	35	2	5	9	2	7	8	3	1	9	3
Osborne	Osborne	Donald J. Magaw	Elma McColl	15	15	1	5	23	10	11	24	18	12	10

MOTION DAYS IN DISTRICT COURTS—1954—CONTINUED
(Please see notes on page 89)

County	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Ottawa.....	Minneapolis.....	A. R. Buzick.....	A. H. Finley.....	30	11	10	1	12	15	1	1	25	4	4
Pawnee.....	Larned.....	Lorin T. Peters.....	Eulah Almqvist.....	33	25d 5d	2d	2d	12d 6d	4e	1d	7d	11d 5d	6	7d
Phillips.....	Phillipsburg.....	Robert W. Hemphill.....	Gene Britt.....	17	19	1	2	16	3	1	14	21	6	14
Pottawatomie..... (See Note 15)	Westmoreland.....	Robert H. Kaul.....	Deane L. Arnold.....	36	14	4	4	6	6	10	7	7	4	7
Pratt.....	Pratt.....	Clark A. Wallace.....	Verna Barber.....	24	7	4	8	8	17	4	13	7	8	10
Rawlins.....	Atwood.....	Robert W. Hemphill.....	Mrs. Louise Pertschky.....	17	22	12	4	14	17	4	17	7	8	17
Reno.....	Hutchinson.....	John Fontron.....	G. R. Williams.....	40	8 15 22 29	5 12 19 26	5 12 19 26	2 9 16 23 30	7 14 21 28	4 11 18 25	3 10 17 24	1 8 15 22 29	5 12 19 26	3 10 17 24 31
Republic.....	Belleville.....	Marvin O. Brummett.....	Warren A. Scott.....	12	5	1	2	7	8	8	29	18	17	14
Rice.....	Lyons.....	Roy J. McMullen.....	Laura Sant.....	20	6	1	1	6	3	7	7	4	3	6
Riley (See Note 13).....	Manhattan.....	Lewis L. McLaughlin.....	Joseph F. Musil.....	21	4	5	3	6	7	9	7	8	4	8
Rooks.....	Stockton.....	W. K. Skinner.....	George F. Crane.....	34	11	11	10	14	3	9	6	11	11	6
Rush.....	La Crosse.....	Lorin T. Peters.....	Esta Manahan.....	33	17e 5e	2e	2e	6e	4d	1e	27e 7e	5e	2e	7e
Russell.....	Russell.....	C. A. Spencer.....	George W. Brandt.....	23	4	11	10	15	3	16	3	4	9	16
Salina.....	Salina.....	A. R. Buzick.....	Winifred Groth.....	30	8	4	8	8	6	2	13	7	3	6

MOTION DAYS IN DISTRICT COURTS—1954—CONTINUED
(Please see notes on page 89)

Country	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Scott	Scott City	Roland H. Tate	Nellie Scheuerman	32	6d	3d	3d	12	5d	2d	16d	5d	3d	13
Sedgewick (See Note 16)	Wichita	William C. Kandt	L. D. Leland	18	Each Monday	Each Tuesday	Each Wednesday	Each Thursday						
Div. No. 1		Howard C. Khne	Clair E. Robb											
Div. No. 2		George Austin Brown												
Div. No. 3														
Div. No. 4														
Seward	Liberal	L. L. Morgan	Mary Lindley	39	11a	6a	6a	19a	8a	5a	4a	11a	6a	4a
Shawnee (See Note 12)	Topeka	Beryl R. Johnson	Lucile Carter	3	1	12	5	16	7	18	10	1	12	3
Div. No. 1		Paul H. Heinz			22	19	12	26	28	14	17	22	8	24
Div. No. 2		Dean McElhenny			8	5	19	2	4	25	4	8	19	10
Div. No. 3					29	26	9	23	21	11	3	29	15	31
					15	5	19	9	21	11	24	15	5	17
					7	22	12	16	17	11	16	4	13	8
Sheridan	Hoxie	W. K. Skinner	Marjorie M. Hilburn	34										
Sherman	Goodland	W. K. Skinner	Sylvia R. Riley	34	9	13	13	6	8	14	18	14	15	10
Smith	Smith Center	Donald J. Magaw	Lucille Figg	15	13	3	22	21	12	21	22	20	9	6
Stafford	St. John	Roy J. McMullen	Wanda Tucker	20	8	2	5	5	4	2	3	5	9	3
Stanton	Johnson	L. L. Morgan	Marjorie E. Harmon	39	5a	22a	2d	6d	5a	2a	73a	6a	3a	1d
Stevens	Hugoton	L. L. Morgan	John F. Fulkerson	39	25a	4a	22a	7d	6a	3a	3d	25a	4a	3d
Sumner	Wellington	Wendell Ready	Laura McCormick	25	5	2	2	6	4	1	14	5	2	7
Thomas	Colby	W. K. Skinner	Winifred G. Van Horn	34	8	12	15	17	24	12	17	13	1	9
Trego	WaKeeney	C. A. Spencer	Mrs. Albert H. Acres	23	13	10	1	13	11	7	1	2	1	14
Wabaussee	Alma	A. K. Stavely	Eva Dorman	35	5	2	2	6	4	1	7	5	3	7

MOTION DAYS IN DISTRICT COURTS—1954—CONCLUDED

(Please see notes below)

County	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Wallace.....	Sharon Springs....	C. A. Spencer.....	Ida Ward.....	23	15	13	12	19	26	18	20	25	12	20
Washington.....	Washington.....	Marvin O. Brummett.....	Alta Hennon.....	12	6	3	7	6	5	7	28	20	15	15
Wichita.....	Leoti.....	Roand H. Tate.....	Kate Elder.....	32	5d	2a	3a	26	4d	1d	15d	1a	3a	20
Wilson.....	Fredonia.....	B. M. Dunham.....	Dwaine Spoon.....	7	5	4	4	6	6	3	7	7	4	2
Woodson.....	Yates Center.....	Spencer A. Gard.....	Mrs. Maudie Beckett.....	37	19	16	2	20	11	7	7	19	9	21
(See Note 3)							23						30	
Wyandotte (See Note 7)	Kansas City.....	E. L. Fischer.....	George T. Groneman.....	29	2	6	6	3	1	5	4	2	6	4
Div. No. 1.....		Willard M. Benton.....			9	13	13	10	8	12	11	6	13	11
Div. No. 2.....		Harvey J. Emerson.....			16	20	20	17	15	19	18	16	20	18
Div. No. 3.....		William H. McHale.....			23	27	27	24	22	26	25	23	24	23
Div. No. 4.....														

e—9:00 a. m. a—10:00 a. m. c—1:30 p. m. d—2:00 p. m. b—1:00 p. m. f—3:30 p. m.

NOTE 1.—Italicized dates indicate the first day of a regular term of court.

NOTE 2.—In Allen county July 26 is motion day.

NOTE 3.—In Bourbon county July 27 is motion day.

NOTE 4.—In Bourbon county July 2-9-16-23 and 30 are motion days.

NOTE 5.—In Miami county July 6 and 22 are motion days.

NOTE 6.—In Linn county July 12 and 20 are motion days.

NOTE 7.—Wyandotte county—The division having law and equity cases has a motion day on Thursday of each week of term in addition to above mentioned days.

Division No. 1—Judge E. L. Fischer; July 5.

Division No. 2—Judge Willard M. Benton; July 5.

NOTE 8.—Dickinson county—All sessions at 10:00 a. m.—Motion day January 11th—No jury at May term in Dickinson county except on special order.

NOTE 9.—Geary county—All sessions at 10:00 a. m.—No jury at June term in Geary county except on special order.

NOTE 10.—Marion county—All sessions at 10:00 a. m.

NOTE 11.—Morris county—All sessions at 10:00 a. m.—No jury at June term in Morris county except on special order.

NOTE 12.—In Shawnee county the schedule continues through July and August 20.

Division No. 1—Judge Beryl L. Johnson; July 9 and 30 and August 5.

Division No. 2—Judge Paul H. Heinz; July 16 and August 13.

Division No. 3—Judge Dean McElhenry; July 2 and 23 and August 13.

NOTE 13.—Riley county—Opening day of term delayed one day on account of Labor Day.

NOTE 14.—In Norton county August 30 is motion day.

NOTE 15.—In Jackson county, Jefferson county and Pottawatomie county—Time permitting special motion days are held in each county two weeks following regular motion days.—There are also two motion days in each county in July and one in August. These days are usually scheduled to meet the demand and are not set in advance.

NOTE 16.—In Sedgewick county if the regular motion day in any division comes on a legal holiday, motions will be presented on the next regular motion day of each division.

□
25-1819

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O. P. MAY. (1935-1937)	Atchison
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HARRY W. FISHER. (1937-1939)	Fort Scott
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WALTER F. JONES. (1941-1945)	Hutchinson
GROVER PIERPONT. (1943-1944)	Wichita
I. M. PLATT. (1943-1945)	Junction City
C. A. SPENCER. (1944-1951)	Oakley
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