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EMMET A. BLAES
of the Wichita, Kansas, Bar

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Foreword

This issue of the BULLETIN contains a list of court days for 1966 in the various district courts of the state of Kansas.

Difficulty encountered by attorneys practicing in Kansas under the new code of civil procedure, which became effective January 1, 1964, in bringing the record to the Supreme Court on appeal has prompted members of the Supreme Court to see if further efforts could be made to educate the members of the Bar in this matter. Pursuant to request by the Supreme Court the Judicial Council has turned to a former member of the advisory committee which was instrumental in drafting the new code of civil procedure. This member later became the reporter for this committee in the drafting of the "Rules Relating to Appellate Practice" under the new code. This issue of the BULLETIN, therefore, contains an informative article entitled "Another Look at Civil Appellate Procedure" written by Emmet A. Blaes, a practicing attorney and a member of the Wichita Bar Association.

Emmet A. Blaes was born April 18, 1907, on a farm near Cherryvale, Kansas, the youngest of eleven children of Mr. and Mrs. Mathias Blaes, both now deceased. He was married October 3, 1933, to the former Anna R. Kranda of Omaha, Nebraska. They have three children, Charles E. Blaes, St. Louis University, St. Louis, Missouri, Robert E. Blaes, Wichita, Kansas, and Elizabeth Ann Blaes, St. Louis University, St. Louis, Missouri. The Blaes presently make their home at 2360 McLean Boulevard, N. W., in Wichita.

Elementary education at St. Francis Zavier Parochial School at Cherryvale, Kansas. High-school education at Conception College and Academy, Conception, Missouri. Pre-legal education at Kansas State Teachers' College, Pittsburg, Kansas. Law school at Creighton University, Omaha, Nebraska, graduating with an LL. B. degree in June, 1931.

Admitted to the practice of law in 1931 both in Nebraska and Kansas, and subsequently in the Federal Courts, including the Supreme Court of the United States. Commenced practice of the law as an associate in the then firm of Jochems and Sargent, Wichita, Kansas, on November 1, 1931. Admitted as a partner in the firm on January 1, 1936, at which time the firm name was changed to its present name, Jochems, Sargent and Blaes. Became senior partner of the firm in February, 1960, at the death of the then senior partner, the late W. D. Jochems, former associate justice of the Supreme Court of Kansas. Firm presently consists of fourteen active attorneys. Mr. Blaes is a member of the American, Kansas and Wichita Bar Associations, and served on the Advisory Committee to the Judicial Council of Kansas in the work of revising the Kansas Code of Civil Procedure, which was enacted into law in the 1963 session of the legislature. He was also draftsman for the same committee when it was com-

missioned to prepare the Rules promulgated by the Supreme Court January 1, 1964.

Business and civil activities:

Member of the Board of Directors of Union National Bank of Wichita, Wichita, Kansas; Excel Packing Company, Inc., Wichita, Kansas; Enmar, Inc., Wichita, Kansas; Metropolitan Development Company, Inc., Wichita, Kansas; and others.

Also, member of Board of Directors of Wichita Chamber of Comerce and of the Wichita Urban League. Member of National Citizens Committee for Community Relations. Former chairman of Wichita Community Welfare Council; and member of Wichita Country Club and Wichita Club.

Fraternal and religious activities:

Member of Elks and of Knights of Columbus.

Member of Delta Theta Phi and Phi Kappa Theta.

Former State Deputy of Knights of Columbus.

Former President of National Council of Catholic Men.

Honored by the late Pope Pius XII with Knighthood in the Order of St. Gregory.

Recipient of Benemerenti Medal.

Recipient of Sacred Heart College, Wichita, Kansas, Catholic Action Medal.

Recipient of Honorary Scroll for Catholic Action from Conception College, Conception, Missouri.

Past President of Catholic Action Committee of Diocese of Wichita, Wichita, Kansas, which later became the Wichita Diocesan Council of Catholic Men, and its first president.

Member of Board of Trustees of St. Benedict's College, Atchison, Kansas.

Another Look at Civil Appellate Procedure

When the Journal of the Kansas Bar Association (Spring, 1964) published *The New Look in Appellate Procedure,* the appellate rules had just recently become effective. No experience had developed under them. Now that the rules are almost two years old, the suggestion has been made that we take "another look." Hence, this article.

Essentially this will merely be a rewrite of the Journal article. Nothing said then will be changed now. But some of the things that were said then can now be documented. Others do not seem to have been made clear in the first article and will be spelled out now in greater detail. As was pointed out before, the most significant changes wrought by Rule 6 lie in three areas as follows:

1. A revision of the time schedule for the progression of the appellate steps.
2. The retention of the jurisdiction of the district court for many of the appellate steps.
3. The requirement that the preparation of the appellate record be a joint effort between appellant and appellee.

These three areas will again be discussed and, in addition to them, a few miscellaneous items.

The Time Schedule

Appended hereto is republished the Table of Illustrative Steps under Rule 6 for preparation of the record and briefs on appeal. The "Steps" referred to therein will be repeatedly alluded to hereafter. Its distinguishing characteristic is that the time for each Step in the appeal is geared to the completion of the preceding Step. For instance, the due day for the appellant to prepare the Record on Appeal cannot arrive before the court reporter has completed any necessary transcript of oral testimony. Again, a case cannot be set for oral argument in the Supreme Court until after the briefs have been completed and filed. No longer is there the anomaly of being compelled to ask for extension of time on grounds beyond the control of counsel.

Here, however, a word of caution is imperative. The pace of progression of the Steps of the appeal is not an easy one. It is a pace designed to expedite the appeal rather than to slow it down. Each party is allowed only twenty (20) days to identify and to prepare the material that is to be printed for the Record on Appeal. Thirty (30) days are then allowed for the actual printing and docketing. The time allowed for preparation and filing of briefs is only twenty-five (25) days for each party. When the prescribed time proves insufficient for any appellate Step, the only recourse is an application for an extension of time to the proper court as hereinafter discussed.

Experience to date indicates that extensions of time have been liberally granted. Presumably, this will continue to be true whenever reasonable grounds for an extension of time exist. It probably would be presumptious, however, to expect that extensions will follow as a matter of course after the Bar has had a reasonable opportunity to become thoroughly familiar with the new procedure.

The sanctions that compel observance of the requirements of the time schedule are serious. Under Rule 6 (*q*) an appellant who fails to complete any necessary step to the docketing of the appeal within the time provided, or as

extended, has abandoned his appeal. Upon a finding thereof by the district court, the judgment appealed from becomes final and costs to date are assessed against the appellant. Lest this become too harsh a result, reasonable notice to the affected party is required by the Rule, and thus he would still have an opportunity to obtain an extension of time if the circumstances justified.

Failure of an appellee to complete a Step permitted to him amounts to a waiver of that Step, and thereupon the appellant may proceeed without waiting for the Step to be taken.

The question has arisen as to whether an application for an extension of time, if the same is to be effective, is required to be made before the prescribed time expires. Nothing in the Rules so indicates, and in fact the contrary was held in a preliminary order in an unreported case, *Meyer v. Vehicle Department,* No. 44159. See also K. S. A. 60-206 (*b*). Naturally, however, an extension of time is much less probable if through indolence or otherwise the applicant has let the prescribed time go by without taking any steps to protect his cause. Furthermore, conditions could very well be attached to an extension tardily requested. For instance, if an appellee failed to designate additional material for the record within his allowed twenty days (Step 5) and the appellant had already commenced the printing of the record (Step 6), an extension should be granted to the appellee only on condition that he reimburse the appellant for the extra cost encountered with the printer.

Apparently, there exists considerable confusion in applying the time table in situations in which there are various appeals in the same case. Normally, multiple appeals would never be taken on the same day, with the result that the commencement of the time table is different for each appeal. The possibility of this situation is greatly increased by the liberal Code provisions for joinder of claims and parties (K. S. A. 60-213, 60-218, 60-219, 60-220).

This situation is specifically dealt with in Rule 6 (*k*). All such appeals shall be docketed and heard as one case unless the Supreme Court orders a separation. The time table for the first five appellate Steps applies *separately* for each separate appeal or cross-appeal. But then Step 6, the reproduction of the record, will not come due until after the first five Steps have been completed for all of the separate appeals, cross-appeals, etc.

A simple example should illustrate the procedure. Jones sues Smith and obtains a judgment on February 1. Smith serves a notice of appeal on March 1, and thus starts the time table operating as to his appeal. It requires a transcript of oral testimony which Smith is required to order (Step 2) within ten days, but which will not be completed by the court reporter for three months. On March 15, Jones files notice of a cross-appeal under K. S. A. 60-2104 (*h*) involving only a jurisdictional point and not requiring a transcript of oral testimony. Accordingly, in the cross-appeal Steps 2 and 3 are unnecessary and Step 4, *i. e.,* his Statement of Points relied upon and his Designation of Record are due on March 25; and within twenty days, Smith, the cross-appellee, will owe his Designation of any additional matter for the record on the cross-appeal. That will be the middle of April and everything will have been done to prepare the Record on the cross-appeal short of its reproduction. But the cross-appeal will now have to wait for the time table on the principal appeal since the transcript is still in the process of preparation and will not be completed until early June. When it is completed, Steps 4 and 5 will be coming due on the original appeal, and not until they are completed will the two separately run-

ning time tables begin to coincide, that is, when the single Record is due to be reproduced covering *both* appeals (Step 6).

A matter related to what has just been said about multiple appeals indicates the need for an especially urgent caution. Failure to understand the full import of K. S. A. 60-254 (*b*) could be disastrous. It reads:

"When more than one claim for relief is presented in an action, whether as a claim, counter-claim, cross-claim, or third-party claim, the court may direct the entry of a final judgment upon one or more but less than all of the claims *only upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment.* In the absence of such determination and direction, any order or other form of decision, however designated, which adjudicates less than all the claims shall not terminate the action as to any of the claims, and the order or other form of decision shall be subject to revision at any time before the entry of judgment adjudicating all the claims." (Emphasis supplied.)

This clearly means that a decision on some but not all of multiple claims is not a "final decision" under K. S. A. 60-2102 (*a*) (4) and hence, is not appealable (1) unless the district court makes the express determination and gives the prescribed express direction, or (2) until the entry of a judgment adjudicating all of the claims in the action. An earlier notice of appeal would be premature and would subject the appeal to dismissal. If, in the meantime, a final judgment had been entered and the correct appeal time had gone by, an aggrieved party would be denied appellate review of the earlier ruling!

This section is another instance of the Code's overall plan to get all related matters into a single proceeding, even in appellate proceedings. If, on the adjudication of a single claim, there is important reason why the appeal should proceed without awaiting adjudication of the remaining claims, care must be exercised to see that the proper determinations are made in the district court. If they are not made, even more care must be exercised to be certain that a notice of appeal is not prematurely filed.

DISTRICT COURT SUPERVISION

By now it is reasonably well known that the mere filing of a notice of appeal does not instantaneously transfer all jurisdiction over further proceedings to the Supreme Court. Normally, not until the completion of Step 6, that is, the filing of twenty copies of the reproduced Record on Appeal with the Clerk of the Supreme Court and payment of the docket fee of $35.00, does the Supreme Court have anything whatsoever to indicate even the existence of the appeal. All proceedings towards making up the Record on Appeal have remained at the district court and counsel level until then. The one exception is the situation in which some intermediate order is sought before the Record on Appeal has been completed. More about that later.

The occasions for the exercise of the district court's supervision in pending appeals are expressly found in the Code or in the Rules. Unless so found, the Supreme Court has the exclusive control. They are the following:

1. The entire matter of fixing the amount of a supersedeas bond before the appeal is docketed, including the sufficiency of the sureties thereon. K. S. A. 60-2103 (*d*).
2. The necessary approval of the district court for an interlocutory appeal. K. S. A. 60-2102 (*b*) and Rule 5.
3. The amendment of a point or points relied upon in the appeal. Rule

6 (*d*). In this instance, in the absence of amendment by stipulation of the parties, the trial judge has the power to permit an amendment but also to prescribe terms which will be just for opposing parties. An example would be a requirement for reimbursement of printing costs where an amendment of the issues results in a waste of what has already been done.

4. The assessment against the appellee of the cost of including in a Record on Appeal unnecessary matters, or unnecessarily causing testimony to be included in question and answer form instead of being narrated. Rule 6 (*h*). In this regard it is to be noted that the district court has no power to prevent matters from being included in the Record on Appeal if any party insists, but only to assess the advancing of the cost of reproducing the same on the appellee if the court considers the inclusion unnecessary.

5. Granting permission for an appeal *in forma pauperis* and in such cases determining how the appellant will be permitted to economically prepare a Record on Appeal. Rule 6 (*m*). This is a power which the district court should exercise with great discretion in an effort to balance the consideration of orderly and adequate appellate procedure against the consideration of assuring appellate review in the deserving case of an indigent whose rights, or lack of them, may be in some reasonable doubt.

6. The settlement and approval for the Record on Appeal of a statement of any proceedings had in the district court when no stenographic report was made. Rule 6 (*n*).

7. The just assessment of the costs and expenses incurred by an appellee if an appellant voluntarily dismisses his appeal. Rule 6 (*o*).

8. The approval of any statement on which an appeal is submitted in lieu of a complete Record on Appeal. Rule 6 (*p*). This procedure is entirely novel in Kansas appellate practice but has definite possibilities for the economic resolution of bona fide questions of law when there is no substantial dispute about the evidence in the trial court.

9. Lastly, but the one to be most frequently exercised, extensions of time for the completion of any one of the first six Steps. Rule 6 (*q*). Here, particularly, trial judges will have an opportunity to display their qualities of understanding, discernment, and patient firmness. They will no doubt be hard put to discriminate between the application for an extension of time which stems from indolence and lack of industry as opposed to one that is the result of the complexity of an appeal, the multitude of demands upon a lawyer's time, or other reasonable and valid considerations.

As can be seen from the foregoing list, the instances in which supervision is left with the district court are those which are either purely routine or which by their very nature can best be handled at the district court level. They relieve the Supreme Court personnel of a great amount of paper work that heretofore existed thereby releasing the time of its personnel for the more weighty and critical determinations.

There is only one other situation for district court participation in an appellate matter, and this one is the clerk rather than the judge. It is the certifying of a partial record to the Supreme Court for the purposes necessary to a preliminary application, *e. g.*, a motion to dismiss an appeal. Rule 6 (*j*). The procedure is quite simple. The applicant merely prepares a copy of as much of the original record in the district court as is necessary for the Supreme Court to have available in order to rule on the application. He gets the clerk of the district court to certify to the correctness thereof and he causes it to be transmitted to the clerk of the Supreme Court. Simultaneously, he files his motion or application in accordane with Rule 7. To initiate such a matter requires the docketing of the appeal. Accordingly, the applicant has to pay the docket fee even though he is the appellee. His recovery of it will depend upon his finally prevailing in the appeal and the then assessment of the costs.

JOINT PREPARATION OF RECORD

In the Spring, 1964, Journal article it was stated that the greatest innovation effected by the new Rules was the necessity for joint effort between the appellant and the appellee in the preparation of the Record on Appeal. It was anticipated that the new procedure would be difficult, not only because of its novelty, but also because it initiated a new concept in collaboration, candor and responsibility on the part of counsel towards each other and towards the appellate court. After a century of appellate advocacy in which each party was free to try to get his own slanted version of the trial proceedings before the appellate court, with often a confusing hodge-podge of abstracts, counter abstracts, supplemental abstracts, etc., it was not going to be easy for lawyers to suddenly agree upon a fair, objective and concise single Record on Appeal for the convenience of the appellate judges.

Experience has borne out what was then anticipated. More confusion has been generated in this area of the new procedure than in any other. At the same time, however, it is apparent that, once we have adjusted ourselves to the new concept, the advantages and benefits to both the Court and the Bar are very real. The difficulties that have become apparent to date cannot reasonably be attributed to any deficiencies in the Rules. They are rather the result of simply not analyzing or following the Rules accurately.

In the light of various questions that have been asked and difficulties that have been reported, and even at the risk of being repetitious, the process of the preparation of the Record is here reviewed with some detail.

We assume for the purpose of this discussion that oral testimony is involved and we commence the preparation of the Record at the completion of Step 3, that is, the court reporter has delivered the transcript to the appellant who ordered it.

Since the appellant is the party who is dissatisfied with the judgment below and is seeking to change it, the Rules properly put upon him the burden of assuming the initiative in the preparation of the Record. He is allowed twenty days in which to prepare in typewritten form, file with the clerk of the district court, and serve copies upon the appellee the following three documents, to-wit:

1. A designation of contents of Record on Appeal,
2. A narrative statement of the testimony,
3. A statement of points upon which he will rely.

At the same time, he must also file with the clerk of the district court a copy of so much of the transcript as is necessary for the use of the appellee. Rule 6 (*b*).

It is impossible to over-emphasize the importance of the Statement of Points. It is in lieu of the old specifications of error. It informs the appellee what *issues* are to be anticipated, and it thereby enables the appellee to judge the sufficiency of the proposed Record on Appeal. Other issues will not be permitted except by stipulation or order of the trial judge, or an issue going to jurisdiction of the court over the subject matter. Rule 6 (*d*). Hence, the Statement of Points limits the scope of the appeal, and its preparation requires a careful analysis and planning of the appeal from the very beginning of the appellate Steps.

It is not amiss to point out again that a mere statement of the *rulings* appealed from is not what is contemplated. The judgment appealed from is stated in the notice of appeal, not in the Statement of Points. The Rule itself

makes this plain even to the extent of setting forth illustrative examples, and yet cases have come before the Court indicating that this distinction has not been grasped by some appellants. See *Crowther, Administrator, v. Baird,* 195 Kan. 134, l. c. 139.

It is to be hoped that the critical importance of the Statement of Points does not have the result of pressuring appellants to include all kinds of marginal points just out of an excess of caution and with the thought that dubious or inconsequential points can later be abandoneed. To do this would be unfair to appellees, would often result in unnecessary expense by inclusion of unnecessary material in the Record, and would simply tend to clutter and befog the whole appellate procedure. Rather, it is earnestly desired that the appellant make an early analysis of his case, "aim his arrow at a bullseye," and state his points accordingly. If this is done, the Designation of Contents of the Record on Appeal is comparatively a perfunctory matter. It is merely a list of those pleadings, exhibits, portions of the testimony, etc., that bear on the issues to be presented. Its purpose is simply to inform the appellee of all that the appellant proposes to put into the Record so that the appellee can determine whether something more may in his judgment be required.

Even though the Designation of the Record is comparatively simple and is for informational purposes only, in the interest of fairness and economy it will still require some thought and effort. For instance, while it would be easy simply to list for inclusion "the testimony of the witness Bill Smith," such a designation would often result in the inclusion of a great amount of unnecessary material. Better practice would be to pick out the portions of Bill Smith's testimony that would be necessary to the appeal. As a result, the designation would be "All of the testimony of Bill Smith pertaining to what he observed as he approached the scene of the accident;" or "The testimony of Bill Smith limited to pages 100 to 105, inclusive, of the transcript."

It is to be remembered that certain items are required to be included in the record whether or not designated. Rule 6 (*g*). The better practice, however, is to make the list a complete statement of the proposed record so that the appellee will not be left to guess as to just what the appellant has in mind to include. Portions of oral testimony should be listed even though the narrative statement is filed at the same time.

The narration of the oral testimony is nothing new to Kansas. The old rules also made it the preferred form for presentation of evidence on appeal. The new rule does the same. In this regard, the Kansas rule differs from the Federal rule. Under the latter, narrated testimony is permitted but not required. The only thing that has been added by Rule 6 (*c*) to the old procedure in Kansas is that the appellant's draft of the narrated testimony in typewritten form is served upon the appellee along with the Designation of the Record and the Designation of the Points so that the appellee can judge its sufficiency before it is printed. Heretofore, the only thing that appellee could do was to present a counter abstract in which he went over the same territory in question and answer form of what the appellant had narrated. The purpose of the rule is to eliminate this duplication.

Some confusion seems to exist as to what happens if the appellee is dissatisfied with the appellant's narration. One case has come to light in which two separate records were filed in the Supreme Court, one being a narration by the

appellant and the other being a narration by the appellee. This, of course, defeated the whole purpose of the rule.

Specifically, what the rule provides is:

"Within twenty days after the service and filing of the appellant's designation of the record and his statement of points, any other party to the appeal may serve and file a designation of additional portions of the record, proceedings and evidence to be included, and may make objections to a narrative statement proposed by the appellant, or offer an alternative statement." Rule 6 (*d*).

In other words, what the appellee can do is technically restricted to the following:

1. He can accept the appellant's proposed Record and narrative statement as sufficient for the purposes of the appeal, in which event courtesy would suggest so notifying the appellant so that the appellant can proceed immediately with Step 6, the reproduction of the Record and docketing of the appeal.
2. He can submit a further designation of materials to be included in the Record. If it includes further oral testimony from the transcript, the question arises as to whether he or the appellant has the burden of preparing the narration of the additional testimony. On the basis that the appellant has the initial duty of preparing the Record on Appeal, and since presumably the additional material is necessary to the appeal, the duty of preparing the additional narration is probably the appellant's. However, in actual practice, the appellee will usually prefer to do it himself.
3. He can object to the appellant's narrative statement as being improper or insufficient, in which event he has two alternatives: (*a*) He can submit an alternative narrative statement for all or part of that provided by the appellant, or (*b*) He can specify particular portions of the testimony which must be included in question and answer form instead of by narration. In this event he should specify the particular portions accurately by page and line, if necessary, of the transcript.

The foregoing constitute the appellee's performance of Step 5 on the attached Appendix of Illustrative Steps. Assuming that the Rule is being observed with technical accuracy by both sides, what next can or must the appellant do?

1. He can recognize the correctness of what the appellee has done and proceed immediately to the reproduction of the Record with the appellee's requirements incorporated therein. That is, the additionally designated materials will be included, the alternative narrative statement prepared by the appellee will be substituted for the one which the appellant first prepared, and questions and answers substituted for a narrative statement where so required by the appellee. He will *not* (as was actually done in one case) reproduce and docket two complete separate Records on Appeal, one prepared by the appellant and one prepared by the appellee!
2. He can reject an alternative narration by the appellee, in which event neither his own nor the appellee's narration will be included in the Record but the appellant will have to resort to the question and answer form of submitting the testimony.
3. If he considers that the appeellee is improperly and unnecessarily making the reproduction of the Record more expensive, he can apply to the district judge to impose the advancement of the additional costs on the appellee. Rule 6 (*h*). In this event, it is to be noted that the district judge cannot compel the appellee to drop his requirements. He can only compel the appellee to advance the money for them.

The foregoing spells out, with a detail made necessary only by the apparent confusion that exists, just what both parties can do in strict observance of the letter of the rule. In actual practice, such "stand-offishness" should never occur. The appellant should complete Step 4 in exact conformity to the rule. But

Step 5 should be a completely informal and amicable exchange of ideas and suggestions for arriving at a final Record on Appeal which is orderly, understandable, concise, and yet sufficient to get the substantial and good faith contentions of both sides before the appellate court. The idea of good professional relations can hardly tolerate less. In one case that has already been before the Court, *Bolyard v. Zimbelman,* 195 Kan. 130, an appeal was actually dismissed for failure of the appellant to take into account the requirements of the appellee in the preparation of the Record.

Some lawyers have expressed a criticism for the whole idea of requiring testimony to be in narrative style, voicing their preference to have all testimony put in question and answer form. This objection seems to stem entirely from a reluctance to assume the burden of narrating the testimony, but it ignores not only the demands of economy but also an important factor in effective appellate advocacy. At least for an *appellant,* an appeal is already well lost if he fails to get the controversy before the appellate court in such a form that the appellate judges are encouraged and able to understandably piece together the whole story of what happened in the court below. Subconsciously they will lose heart with an appeal the Record of which is cluttered up with questions and answers, insignificant tidbits, repetitions, and meaningless "ohs" and "ahs" in verbatim testimony. For the *appellee,* this may be fine, but for the appellant it is disastrous.

The ideal Record on Appeal, the one that portrays true professional responsibility, is one prepared by stipulation under Rule 6 (*f*), or even better in a proper case one under an agreed statement under Rule 6 (*p*). Such a Record will almost inevitably be quite concise and to the point. It will reflect candor and frankness by counsel on both sides, and these are qualities which an appellate court appreciates above all else in the lawyers who appear before it.

MISCELLANEOUS

A few miscellaneous points seem to be indicated.

There certainly is no need to subsidize the printer in making up a Record on Appeal. Rarely is it necessary to include the caption of a pleading. The same is true of signatures on pleadings or approvals on journal entries, jurats, verifications, proofs of service, etc. Whole paragraphs, or statements of separate counts in a petition or separate defenses in an answer, should be omitted if not necessary to the appeal. The clerk's filing stamp is not necessary, the better practice being simply to add a parenthetical line under the title of the pleading giving the date of filing.

It is to be remembered that unnecessary elongation of a Record can be the basis for the Supreme Court to "withhold or impose costs as the circumstances of the case and discouragement of like conduct in the future may require; and costs may be imposed upon *offending attorneys* or parties." (Emphasis supplied) Rule 6 (*e*).

Some confusion has arisen as to whether motions for preliminary orders or post decision motions are required to be printed as in the case of records or briefs. There is nothing in the Rules making such a requirement and it is sufficient unprinted if filed with the Clerk of the Supreme Court together with eight (8) legible copies, that is, nine (9) copies in all. Rule 7.

The Record on Appeal, after it is reproduced, is not filed with the clerk of the district court, nor is it necessary to have the clerk of the district court transmit it to the Clerk of the Supreme Court. This is the burden of the appellant at the same time he pays the docket fee of $35.00 to the Clerk of the Supreme Court.

A point of minor significance is the style of narrated testimony with reference to first person narration *vis a vis* indirect quotation. The Rule specifically prescribes a "narrative statement" rather than quotation, and narration is to be preferred in the interest of uniformity, simplicity and conciseness. For example, the testimony of Bill Smith would start as follows:

My name is Bill Smith. I live at the intersection of First and B. I saw the accident on the night of June 10th. A light rain was falling at the time . . .

Obviously more cumbersome is the practice of some lawyers in using indirect quotation as follows:

The witness testified that he lived near the intersection of First and B. He said he saw the accident on the night of June 10th. He testified that it was raining lightly at the time . . .

Two recent cases have pinpointed a very important precaution to be observed. They are *Roe Village, Inc. v. Board of County Commissioners,* 195 Kan. 247, and *Corbin v. Moser,* 195 Kan. 252. K. S. A. 60-258 prescribes that a judgment is not effectively entered until either it has been entered by the Clerk on the appearance docket or a written order has been settled and has been actually filed with the Clerk. A notice of appeal filed prior to such an entry of judgment is ineffective notwithstanding that the district court may previously have announced a decision. In the Roe case an appeal was dismissed because of such a premature filing. The provisions of K. S. A. 60-258 are most beneficial in that they compel the finalizing of judgments and assure the existence of a record thereof in the Clerk's office, but appellants must keep in mind the fact that the time for an appeal will not start to run until such finalization is accomplished.

For those who are familiar with appeals from the Federal District Courts to the United States Courts of Appeals, there is one distinct variation which must not be overlooked. In the Federal practice, an appellee may attack any order or ruling of the trial court *without taking a cross appeal* as long as he is not attempting to enlarge his own rights under the lower court's judgment or to lessen the rights of his adversary. In other words, the appellee can admit that the appellant's grounds for reversal are good but insist that the lower judgment be affirmed for reasons that the trial court did not adopt. See *Emerson v. Labor Investment Corporation,* 284 F. 2d 946 (Tenth Circuit, 1960). The very opposite prevails in our State appellate procedure. This is the result of a provision which does not appear in the Federal Rules, to-wit, K. S. A. 60-2103(*h*) which reads as follows:

"When notice of appeal has been served in a case and the appellee desires to have a review of rulings and decisions of which he complains, he shall within twenty (20) days after the notice of appeal has been served upon him and filed with the clerk of the trial court, give notice of his cross appeal."

Under this language if an appellee has obtained a judgment in the district court which gives him everything he sought but the trial court erred in arriving at the judgment, from which judgment an appeal has been taken,

the appellee is compelled to take a cross appeal from the failure of the trial court to make those rulings which would have been the correct basis for the judgment. Offhand it may seem anomalous that a successful litigant should have to safeguard his success by appealing after a judgment in his favor. It does, however, have the effect of compelling a careful delineation of the issues that the appellate court is called upon to decide. This provision is not new to Kansas. It was contained in the old Code as G. S. 60-3314. For illustrations of its application see *Hiler v. Cameron,* 144 Kan. 296; *Barham v. City of Chanute,* 168 Kan. 489; *Schumacher v. Rausch,* 190 Kan. 239; *Fields v. Blue Stem Feed Yards,* 195 Kan. 167. The existence of this Rule explains the necessity for the twenty days after the appeal for the filing of the cross appeal. Under the Federal Rule, the twenty days is unnecessary since the same points can be raised without the cross appeal. Incidentally, the twenty days is after the notice of appeal has been filed and served—not after the judgment. Conceivably the time for a cross appeal could expire less than thirty days after the judgment.

CONCLUSION

While no doubt difficulties with the new Rules have not yet all come to light, there certainly is no cause for alarm about those that have appeared. On the contrary, experience with the new procedure gives many indications that the new Rules, just like the new Code, will be most helpful to both the Court and the Bar. Early expressions of alarm do not now appear to have been justified. There were those who refused to believe that the Court actually meant what was said in Rule 6 (*d*) to the effect that a motion for a new trial was no longer necessary for the preservation of a point to be relied upon in an appeal. Yet, to this date, nothing has happened to impair the full faith and credit to be given the Rule.

In summary, a thorough understanding of the Rules plus a conscientious effort at cooperation between opposing counsel should make the appellate practice more economical, more expeditious, and more satisfying to all concerned in the disposition of appealed controversies.

APPENDIX

Illustrative Steps in Rule No. 6
For Preparation of Record and Briefs on Appeal

Time	*Nature of Step*
1. See K. S. A. 60-2103 (*a*)—	Notice of Appeal Filed.
2. Within 10 days after Step 1—	Appellant must order transcript. K. S. A. 20-903. If transcript unnecessary, Step 4 is due.
3.	Transcript is prepared by Official Court Reporter.
4. Within 20 days after completion of transcript—	Appellant must serve and file Statement of Points Relied Upon, Designation of Record, and narrative statement of evidence.
5. Within 20 days thereafter—	Appellee must serve and file Designation of Additional Matter for Record on Appeal and objections, if any, to narrative statement.
6. Within 30 days thereafter—	Trial judge will settle any questions of advancing funds for reproducing any parts of record claimed by appellant to be unnecessary. Appellant must cause Record to be reproduced and 20 copies filed with Clerk of Supreme Court for docketing of appeal.
7. Within 25 days after docketing of appeal—	Appellant must file his Brief.
8. Within 25 days thereafter—	Appellee must file his Brief.
9.	Clerk publishes Hearing Docket.
10. Not less than 30 days thereafter—	Oral Arguments.

COURT DAYS IN DISTRICT COURTS—1966

(Please see notes on page 87)

COUNTIES	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Allen	Iola	Spencer A. Gard	Jeanne Smith	37	*11*	7	7	4	*3*	6	12	*4*	7	12
Anderson	Garnett	Floyd H. Coffman	Roberta Bowman	4	7	4	*4*	1	*6*	3	9	*7*	4	2
Atchison	Atchison	Edmund L. Page	Mary Lou Underwood	2	5 12 19 26	2 9 16 23	2 9 16 23 30	6 13 20 27	4 11 18 25	1 8 15 22 29	7 14 21 28	5 12 19 26	2 9 16 23 30	7 14 21 28 .....
Barber (See note 8)	Medicine Lodge	Charles H. Stewart	Edith Myers	24	5	*14*	2	*25*	12	13	20	*24*	7	8
Barton (See note 6)	Great Bend	Frederick Woleslagel	Geneva Steincamp	20	5	2	*1*	6	4	*7*	7	5	*7*	7
Bourbon (See note 3)	Fort Scott	Robert H. Miller	Mary Smallwood	6	*3*	2	2	6	*9*	8	*13*	5	2	7
Brown	Hiawatha	Chester C. Ingels	Edna Boicourt	22	18c	7c	22c	19c	17c	2c	20c	18c	22c	20c
Butler Div. No. 1 Div. No. 2	El Dorado	 George S. Reynolds Page W. Benson	Virginia Elmore	13	7	4	*7*	1	6	*13*	2	3	*14*	2
Chase	Cottonwood Falls	Jay Sullivan	Myrtle Austin	5	28	25	25	28	27	24	30	28	25	30
Chautauqua Div. No. 1 Div. No. 2	Sedan	 George S. Reynolds Page W. Benson	Grace Sears	13	10	7	4	*4*	9	3	*6*	14	4	*5*
Cherokee Columbus Div. Galena Div.	Columbus	William P. Meeks	Nina Coldiron	11	 4 5	 1 2	 1 2	 5 6	 3 4	 7 8	 13 7	 4 5	 1 16	 6 7
Cheyenne	St. Francis	William B. Ryan	Ena Zimbelman	17	20	17	10	*4* 14	*23*	9	12	19	28	*5* 12
Clark	Ashland	Ernest M. Vieux	Hope Grimes	31	6c	3c *21c*	3c	7c	5c	2c	8c *26c*	6c	3c	8c .....

COURT DAYS IN DISTRICT COURTS—1966—CONTINUED

(Please see notes on page 87)

COUNTIES	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Clay (See note 7)	Clay Center		Hazel K. Chestnut	21	5	3	7	7	5	6	7	5	7	1
Div. No. 1		Lewis L. McLaughlin												
Div. No. 2		Joseph W. Menzie												
Cloud	Concordia	Marvin O. Brummett	Minnie L. Johnson	12	3	9	9	4	4	8	26	19	23	14
Coffey	Burlington	Jay Sullivan	Mary H. Finnerty	5	31	28	28	25	30	27	26	31	28	26
Comanche	Coldwater	Ernest M. Vieux	Mary Guyer	31	5c	2c	2c	6c	4c 16c	1c	7c	5c	2c	5c
Cowley	Winfield	Doyle E. White	Barbara Gilland	19	7	4	4	1	6	3	2	7	4	2
Crawford (See note 13)	Girard	Don Musser	Josephine Cattaneo	38										
Girard Div.					7	4	4	1	6	3	2	1	4	2
Pittsburg Div.					10	7	7	4	2	6	5	3	14	5
Decatur	Oberlin	William J. Ryan	Alice J. Vernon	17	18	15 28	8	12	9	7	13	10 18	22	13
Dickinson (See note 4)	Abilene		Seth Barton, Jr.	8	3c	1c	1c	5c	16c	1c	12c	4c	1c	6c
Div. No. 1		Walter E. Hembrow												
Div. No. 2		Albert B. Fletcher, Jr.												
Doniphan	Troy	Chester C. Ingels	Alice F. Crane	22	19c	23c	23c	20c	18c	3c	21c	19c	23c	21c
Douglas (See note 15)	Lawrence	Frank R. Gray	Lucille E. Allison	41	7b	7b	4b	1b	2b	3b	16b	7b	7b	2b
Edwards (See note 12)	Kinsley	Maurice A. Wildgen	Cecil Matthews	33	5	14 2	2	6	2	8	7	24 5	2	7
Elk	Howard		Gertrude Loyd	13	3	11	11	8	2	6	19	17	7	9
Div. No. 1		George S. Reynolds												
Div. No. 2		Page W. Benson												
Ellis	Hays	Benedict P. Cruise	Orlando Wasinger	23	17a	7a	15a	12a	16a	14a	13a	17a	15a	13a

COURT DAYS IN DISTRICT COURTS—1966—CONTINUED

(Please see notes on page 87)

COUNTIES	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Ellsworth Div. No. 1 Div. No. 2	Ellsworth	 John I. Young L. A. McNalley	F. A. Vanek	30	24	3	2	18	10	3	8	10	3	2
Finney (See note 10)	Garden City	Bert J. Vance	Rose Murray	32	*10c*	17c	18c	18f	*9c*	28c	*19c*	31c	30c	20c
Ford	Dodge City	Ernest M. Vieux	Elta J. Riley	31	7c *17c*	4c	4c	8c *18c*	6c	3c	9c *12c*	7c	4c	9c
Franklin	Ottawa	Floyd H. Coffman	Christina Woke	4	*3*	2	9	*4*	4	1	12	5	2	7
Geary (See note 4) Div. No. 1 Div. No. 2	Junction City	 Walter E. Hembrow Albert B. Fletcher, Jr.	Edward C. Verbeke	8	4c	2c	7c	6c	3c	*6c*	6c	5c	*14c*	7c
Gove	Gove	Benedict P. Cruise	Louise Brown	23	19a	24a	*21a*	14a	10a	*20a*	15a	11a	*21a*	15a
Graham	Hill City	C. E. Birney	Margaret A. Hildebrand	34	5	*7*	3	19	*9*	3	*19*	10	1	6
Grant	Ulysses	L. L. Morgan	Edna M. Walker	39	3f	7f	7f	*11c*	2f	6f	1c	3f	7f	*5c*
Gray	Cimarron	Ernest M. Vieux	Carrie Borland	31	4c	1c	1c	*4c*	3c	31c	6c	4c	1c *14c*	6c
Greeley (See note 10)	Tribune	Bert J. Vance	Margaret L. Pile	32	3c	*14c*	16c	22c	16c	20c	26c	*17c*	28c	21c
Greenwood Div. No. 1 Div. No. 2	Eureka	 George S. Reynolds Page W. Benson	Alma Long	13	*17*	14	14	11	*16*	10	9	*10*	15	12
Hamilton (See note 10)	Syracuse	Bert J. Vance	Ruth Noggle	32	5c	*21c*	16f	21c	3c	24c	30c	*10c*	17c	8c
Harper (See note 8)	Anthony	Charles H. Stewart	Florence M. Stone	24	*10*	1	1	*11*	11	*20*	19	*10*	4	7
Harvey (See note 5)	Newton	Sam H. Sturm	Joe Fox	9	6b 20b	*14b* 24b	10b 24b	7b 21b	*9b* 19b	2b 16b	8b 22b	6b 20b	3b *14b*	1b 15b

COURT DAYS IN DISTRICT COURTS—1966—CONTINUED

(Please see notes on page 87)

COUNTIES	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Haskell	Sublette	L. L. Morgan	Mildred Crispens	39	3c	7c	*14*c	4c	2c	6c	*19*c	3c	7c	12c
Hodgeman (See note 12)	Jetmore	Maurice A. Wildgen	Agnes C. Gleason	33	5	*28* 2	2	6	*16* 4	8	7	5	*14* 2	7 .....
Jackson (See note 11)	Holton	John W. Brookens	Florence Clements	36	*10*b	2c	9c	6c	*2*b	8c	7c	*3*b	9c	7c
Jefferson (See note 11)	Oskaloosa	John W. Brookens	Marian Steffey	36	14c	4c	7b	8c	6c	*6*b	9c	7c	7b	9c
Jewell	Mankato	Donald J. Magaw	Carol Ross	15	3	4	3	6	5	*6*	21	6	7	7
Johnson Div. No. 1 Div. No. 2 Div. No. 3 Div. No. 4	Olathe	 Herbert W. Walton Clayton Brenner Raymond H. Carr Harold R. Riggs	Pat Holland	10	3	7	7	4	2	6	6	3	7	5
Kearny (See note 10)	Lakin	Bert J. Vance	Bertha Adams	32	5f	18c	*14*c	22f	4c	27c	23c	27c	*14*c	5c
Kingman (See note 8)	Kingman	Charles H. Stewart	Janis McIlrath	24	7	3	*28*	18	13	*6*	*26*	18	8	*12*
Kiowa	Greensburg	Ernest M. Vieux	Billie M. Huckriede	31	5f	2f	2f	6f	*2*c	1f	7f	5f *10*c	2f	7f .....
Labette Oswego Div. Parsons Div.	Oswego	Hal Hyler	Glen R. Cossatt	16	7 21 3	*1* 18 7	4 18 *1* 14	*12* 29 18	6 20 *3* 16	10 24 13	9 23 12	*4* 21 17	4 18 *1* 14	9 23 19 .....
Lane (See note 10)	Dighton	Bert J. Vance	Eva Cramer	32	4c	16c	*21*c	14c	6c	22c	28c	19c	*21*c	15c
Leavenworth	Leavenworth	Kenneth Harmon	Mary Kate Gausz	1	7	4	4	1	6	3	2	7	4	2
Lincoln Div. No. 1 Div. No. 2	Lincoln	 John I. Young L. A. McNalley	Loa Page	30	7	14	3	5	9	6	9	4	7	12

COURT DAYS IN DISTRICT COURTS—1966—CONTINUED

(Please see notes on page 87)

COUNTIES	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Linn (See note 3)	Mound City	Robert H. Miller	Fearne Bearly	6	4	1	1	*4*	3	7	13	4	1	*5*
Logan	Oakley	Benedict P. Cruise	H. Belle Selley	23	20a	25a	16a	*4a*	11a	15a	*6a*	12a	16a	*5a*
Lyon	Emporia	Jay Sullivan	Alice M. Long	5	26	23	30	27	25	29	28	26	30	28
Marion (See note 4)	Marion		Geraldine Seible	8	5c	7c	2c	7c	*2c*	2c	7c	*3c*	2c	8c
Div. No. 1		Walter E. Hembrow												
Div. No. 2		Albert B. Fletcher, Jr.												
Marshall (See note 7)	Marysville		Ruby Finnigan	21	*3*	4	9	*4*	6	8	*6*	4	9	9
Div. No. 1		Lewis L. McLaughlin												
Div. No. 2		Joseph W. Menzie												
McPherson (See note 5)	McPherson	Sam H. Sturm	Alma Bretches	9	*10*b 21b	4b 18b	11b 25b	4b 22b	6b 20b	3b 17b	9b 23b	*3b* 21b	4b 18b	2b 16b
Meade	Meade	Ernest M. Vieux	Edyth Cooper	31	4f	1f	1f *21c*	5f	3f	31f	6f	4f *24c*	1f	6f
Miami (See note 3)	Paola	Robert H. Miller	Ethel J. Hunt	6	5	*7*	3	5	2	*6*	14	*3*	3	6
Mitchell	Beloit	Donald J. Magaw	Ida B. Jamison	15	4	2	2	4	4	1	20	4	3	6
Montgomery	Independence	Warren B. Grant	Bessie Scofield	14										
Independence Div.					6	3	3	7	5	2	1	6	3	1
Coffeyville Div.					7	4	4	1	6	3	2	7	4	2
Morris (See note 4)	Council Grove		Nellie McMichael	8	6c	3c	3c	*4c*	4c	*20c*	8c	6c	3c	*5c*
Div. No. 1		Walter E. Hembrow												
Div. No. 2		Albert B. Fletcher, Jr.												
Morton	Elkhart	L. L. Morgan	Mary Collins	39	4f	*14c*	8c	5f	3f	7f	*6c*	4f	8f	1c
Nemaha	Seneca	Chester C. Ingels	Ruth Shaffer	22	17c	21c	21c	18c	16c	1c	19c	17c	21c	19c
Neosho	Erie	George W. Donaldson	Betty Barr	7										
Erie Div.					5	2	8	6	4	1	7	12	2	7
Chanute Div.					6	1	9	12	3	7	13	11	1	6

COURT DAYS IN DISTRICT COURTS—1966—CONTINUED

(Please see notes on page 87)

COUNTIES	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Ness (See note 12)	Ness City	Maurice A. Wildgen	Martha Borthwick	33	4	1	*14* 1	5	3	7	*12* 6	4	1	*12* 6
Norton	Norton	William B. Ryan	Elsie Brault	17	*10* 17	18	11	*18*	24	8	*6*	24	29	16
Osage	Lyndon	Alex Hotchkiss	Lucille Getsinger	35	7c	4c	*1c*	1c	6c	7c	2c	7c	*1c*	2c
Osborne	Osborne	Donald J. Magaw	Irene Laffoon	15	6	1	4	7	2	7	22	3	1	8
Ottawa Div. No. 1 Div. No. 2	Minneapolis	 John I. Young L. A. McNalley	Esther Plunkett	30	10	2	1	11	3	2	7	24	2	1
Pawnee (See note 12)	Larned	Maurice A. Wildgen	Eulah Almquist	33	*24* 6	3	3	*11* 4	5	9	8	*10* 6	3	8
Phillips	Phillipsburg	William B. Ryan	Evelyn M. Parker	17	21	*7* 14	7	15	*2*	10	8 *19*	21	23	15
Pottawatomie (See note 11)	Westmoreland	John W. Brookens	Deane L. Arnold	36	13c	3c	10c	*5b*	5c	9c	*6b*	6c	10c	*6b*
Pratt (See note 8)	Pratt	Charles H. Stewart	Mabel Axline	24	6	2	*14*	4	*16*	14	*12*	17	*14*	9
Rawlins	Atwood	William B. Ryan	Louise Portschy	17	19	16	9 *21*	13	*16*	6	14	20	*14* 21	14
Reno (See note 14) Div. No. 1 Div. No. 2	Hutchinson	 William A. Gossage James H. Rexroad	George Walter	40	7 14 21 28	4 11 18 25	4 11 18 25	1 8 15 22 29	6 13 20 27	3 10 17 24	2 9 16 23 30	7 14 21 28	4 11 18 25	2 9 16 23 30
Republic	Belleville	Marvin O. Brummett	Earl J. Baldridge	12	4	*7*	8	5	*2*	7	27	*17*	22	13
Rice (See note 6)	Lyons	Frederick Woleslagel	Laura Saint	20	*4*	7	7	*5*	2	6	*6*	3	1	6

COURT DAYS IN DISTRICT COURTS—1966—CONTINUED

(Please see notes on page 87)

COUNTIES	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Riley (See note 7)	Manhattan		Joseph F. Musil	21	7	7	11	1	2	10	2	3	4	2
Div. No. 1		Lewis L. McLaughlin												
Div. No. 2		Joseph W. Menzie												
Rooks	Stockton	C. E. Birney	Irma Renner	34	10	2	4	20	2	7	6	13	3	8
Rush (See note 12)	La Crosse	Maurice A. Wildgen	Esta Manahan	33	10	1	28	5	3	7	26	4	1	6
					4		1				6			
Russell	Russell	Benedict P. Cruise	Gladys Kling	23	3a	21a	14a	11a	2a	13a	12a	3a	14a	12a
Saline	Salina		Betty J. Just	30	4	1	7	1	2	1	6	3	1	5
Div. No. 1		John I. Young												
Div. No. 2		L. A. McNalley												
Scott (See note 10)	Scott City	Bert J. Vance	Nellie Scheuerman	32	4f	16f	17f	11c	2c	23c	29c	24c	23c	12c
Sedgwick	Wichita		Dorothy I. Van Arsdale	18	Motions: See note 16									
Div. No. 1		William C. Kandt												
Div. No. 2		Howard C. Kline												
Div. No. 3		B. Mack Bryant												
Div. No. 4		James V. Riddel, Jr.												
Div. No. 5		James J. Noone												
Div. No. 6		Robert P. Stephan												
Div. No. 7		Tom Raum												
Seward	Liberal	L. L. Morgan	Pauline F. Strickland	39	10c	11c	11c	13c	6c	3c	2c	10c	11c	2c
Shawnee (See note 2)	Topeka		Lucile M. Carter	3										
Div. No. 1		William Randolph Carpenter			28	25	25	22	20	17	9	7	4	2
														30
Div. No. 2		Marion Beatty			7	4	4	1	27	24	16	14	11	9
								29						
Div. No. 3		E. Newton Vickers			14	11	11	8	6	3	23	21	18	16
Div. No. 4		David Prager			21	18	18	15	13	10	2	28	25	23
											30			
Sheridan	Hoxie	C. E. Birney	Minnie Carder	34	3	28	1	21	16	1	1	3	2	1

COURT DAYS IN DISTRICT COURTS—1966—CONCLUDED

(Please see notes on page 87)

COUNTIES	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	Sept.	Oct.	Nov.	Dec.
Sherman	Goodland	C. E. Birney	Viva Peter	34	6	3	2	*4*	3	13	2	11	*21*	7
Smith	Smith Center	Donald J. Magaw	Florence Vincent	15	5	3	1	5	3	2	19	5	2	*5*
Stafford (See note 6)	St. John	Frederick Woleslagel	Arlene E. McCandless	20	3	*1*	2	4	*3*	1	12	*4*	2	5
Stanton	Johnson	L. L. Morgan	Marjorie Newton	39	4c	*28c*	7c	5c	3c	7c	*12c*	4c	8c	12f
Stevens	Hugoton	L. L. Morgan	John F. Fulkerson	39	*24c*	10c	*28c*	7c	5c	2c	1f	*24c*	10c	1f
Sumner	Wellington	John A. Potucek	Mary E. Carter	25	4	1	1	5	3	7	13	4	1	6
Thomas	Colby	C. E. Birney	Thelma Livingston	34	4	1	*21*	18	*23*	2	8	7	*7*	5
Trego	WaKeeney	Benedict P. Cruise	Virginia Webb	23	18a	23a	7a	13a	9a	*6a*	14a	10a	7a	14a
Wabaunsee	Alma	Alex Hotchkiss	Mary E. Tolbert	35	6c	*1c*	3c	7c	*3c*	2c	1c	*4c*	3c	1c
Wallace	Sharon Springs	Benedict P. Cruise	Evelyn A. Warren	23	20d	25d	16d	*18a*	11d	15d	*19a*	*12d*	16d	*19a*
Washington	Washington	Marvin O. Brummett	Lois Acree	12	5	8	*7*	6	3	*6*	28	18	*21*	12
Wichita (See note 10)	Leoti	Bert J. Vance	Kate Elder	32	3f	15c	17c	*18c*	17c	21c	27c	13c	29c	*19c*
Wilson	Fredonia	George W. Donaldson	Dwaine Spoon	7	4	3	3	5	5	2	6	6	3	1
Woodson	Yates Center	Spencer A. Gard	Alma Abbott	37	4	8	*1*	5	10	*7*	*13*	11	8	13
Wyandotte (See note 9)	Kansas City		Richard D. Shannon	29										
Div. No. 1		O. Q. Claflin, III			21	25	.....	1	6	10	23	28	.....	2
Div. No. 2		William J. Burns			28	.....	4	8	13	17	30	.....	4	9
Div. No. 3		Harry G. Miller			.....	4	11	15	20	24	2	7	10	16
Div. No. 4		William H. McHale			7	11	18	22	27	.....	9	14	18	23
Div. No. 5		Donald C. Little			14	18	25	29	.....	3	16	21	25	30

Italicized dates indicate the first day of the regular terms of court.

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

NOTE 1. See Rule No. 113 of the Supreme Court, relating to District Courts.

NOTE 2. In Shawnee County the schedule continues through July and August, as follows:

Div. No. 1, July 15 and Auugst 12.
Div. No. 2, July 22 and August 19.
Div. No. 3, July 1 and 29, and August 26.
Div. No. 4, July 8 and August 5.

NOTE 3. In Bourbon County, July 13 is court day. In Linn County, July 11 is opening day of court term. In Miami County, July 12 is court day. Court convenes at 10:00 a. m., except when jury appears, on which day court convenes at 9:00 a. m.

NOTE 4. No jury at May term in Dickinson County, and June terms in Geary and Morris Counties, except on special order.

NOTE 5. In Harvey County, court days are July 7 and 14, and August 4. In McPherson County, court days are July 1 and 15, and August 5.

NOTE 6. In Barton, Rice and Stafford Counties, court convenes at 10:00 a. m., except when jury appears, when court convenes at 9:00 a. m.

NOTE 7. In Marshall County, opening day of September term delayed one day a/c Labor Day. In addition to regular days of court in Riley County, time permitting, special days of court will be held on the third and fourth Fridays of the month. Additional days of court are scheduled in Clay, Marshall and Riley Counties as the need arises.

NOTE 8. In Barber, Harper, Kingman and Pratt Counties, court convenes at 10:00 a. m. on court days and terms days, and at 9:30 a. m. for jury trials. In Barber County, July 11 is term and court day.

NOTE 9. In Wyandotte County the schedule continues through July and August, as follows:

Div. No. 1, July 15 and August 19.
Div. No. 2, July 22 and August 26.
Div. No. 3, July 29.
Div. No. 4, July 1 and August 5.
Div. No. 5, July 8 and August 12.

Divisions will hear motions in divorce matters on the Fridays they are present during July and August, and on all Fridays during the regular sessions of the Court.

NOTE 10. In Finney, Greeley, Hamilton, Kearny, Lane, Scott and Wichita Counties, the first day of the regular term convenes at 10:00 a. m. Jury sessions, unless otherwise ordered, convene at 9:30 a. m.

NOTE 11. In Jackson, Jefferson and Pottawatomie Counties, time permitting, a special court day will be held in each county two weeks after the regular court days.

NOTE 12. In Edwards, Hodgman, Ness, Pawnee and Rush Counties, the first day of the regular terms convenes at 9:30 a. m. All court days convene at 9:00 a. m. for forenoon sessions, and 1:30 p. m. for afternoon sessions. Jury sessions, unless otherwise ordered, convene at 9:30 a. m.

NOTE 13. In Crawford County, July 1 and August 5 are court days in the Girard Division, and July 11 and August 1 in the Pittsburg Division.

NOTE 14. In Reno County, July 1, 8, 15, 22 and 29, and August 5, 12, 19 and 26 are court days.

NOTE 15. In Douglas County, July 1 and August 5 are court days. On days on which a term of court opens, the civil docket will be called beginning at 9:30 a. m., and the criminal docket will be called beginning at 2:00 p. m.

NOTE 16. In Sedgwick County all divisions hold court every day from Monday through Friday throughout the year, legal holidays and vacations excepted.

All motions which have been on file 5 days or more, except those in domestic matters, shall be peremptorily heard by the Judge of the Division to which the case has been assigned at 9:30 a. m. on the following days:

Division No. 1 the 1st Thursday of each month
Division No. 2 the 1st Friday of each month
Division No. 3 the 2nd Thursday of each month
Division No. 4 the 2nd Friday of each month
Division No. 5 the 3rd Thursday of each month
Division No. 6 the 3rd Friday of each month
Division No. 7 the 4th Thursday of each month

All motions in domestic matters which have been on file 5 days or more, including contempt, change of custody and modification of previous orders shall be peremptorily heard by the Judge of the Division to which the case has been assigned at 9:30 a. m. on the following days:

Division No. 1 the 1st Friday of each month
Division No. 2 the 1st Thursday of each month
Division No. 3 the 2nd Friday of each month
Division No. 4 the 2nd Thursday of each month
Division No. 5 the 3rd Friday of each month
Division No. 6 the 3rd Thursday of each month
Division No. 7 the 4th Friday of each month

No post-trial motion, pleading or other process in any divorce, separate maintenance or annulment case shall be filed by the Clerk unless there is on deposit with the Clerk as security for costs a balance of Ten ($10.00) Dollars or more except, by permission of the Judge of the Division to which the case has been assigned.

□
31-1821

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