

Kansas Judicial Council Bulletin

DECEMBER, 1972

PART 4—FORTY-SIXTH ANNUAL REPORT



MARVIN E. THOMPSON
President, the Kansas Bar Association

PROPOSED GOVERNMENTAL IMMUNITY STATUTE
RESOLUTION RELATING TO STUDY OF THE PROBATE CODE

COURT DAYS 1973

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FOREWORD

The Honorable Marvin E. Thompson, President of the Kansas Bar Association, has been requested to prepare an article on a subject of his choosing for publication in this issue of the *Council Bulletin*. He has done so, and we believe his article is timely and should command the attention of the attorneys throughout the state. It is entitled "Lawyers and Their Detractors."

Marvin E. Thompson of Russell, Kansas, received his A. B. degree in 1944 from the University of Kansas and his LL. B. degree in 1946 from the University of Kansas School of Law. Admitted to the Supreme Court, U. S. District Court, 10th Circuit Court of Appeals, and the U. S. Tax Court, he served as law clerk to the Honorable A. J. Mellott, U. S. District Court in 1946-47. He was in private practice and served as city attorney at La Crosse from 1947-1950. He is a partner in the firm of Thompson, Holland and Arthur.

As a member of the Kansas Bar Association Mr. Thompson has been a member of the Executive Council since 1961 and has served the Association as Vice President, President-elect, and as KBA Delegate to the ABA House of Delegates. He has served as a member of the Continuing Legal Education Committee, Transitional Education Committee, and as ex-officio member of the Insurance Committee Advisory Section of the Professional Ethics Committee; and the Board of Editors of the *Kansas Bar Journal*. He has authored articles for the *Kansas Bar Journal* and the *Kansas Judicial Council Bulletin*. President Thompson also has served as a member of the Kansas Judicial Council since 1969. Besides the KBA, he is a member of the Russell County Bar Association and the American Bar Association, and Phi Delta Phi Legal Fraternity. He is also a member of the United Church of Christ, BPOE, Masons, Shrine, and Ancient and Honorable Order of SOABS.

This issue of the BULLETIN also contains a list of court dates for 1973 in the various district courts of the state of Kansas.

A brief summary of activities and accomplishments of the Kansas Judicial Council for the past year will follow.

The advisory committee appointed by the Judicial Council in 1970 to study the implications of *Chapin v. Aylward*, 204 Kan. 448, and to make recommendations for legislation, if necessary, to the Judicial Council completed its work by submitting various drafts of legislation to the Council for consideration. After careful study the Council determined the legislation proposed by the advisory committee would not alleviate the situation, but may create new problems. Accordingly, the Council's decision was to maintain the status quo without submitting any proposals to the legislature, and without submitting any rules to the Supreme Court for its consideration.

The advisory committee appointed by the Judicial Council in 1969 to draft

jury instructions for use in criminal cases brought under the new criminal code and code of criminal procedure has completed its work. PIK-Criminal was published by the Council in March, 1972. The publication is available at no cost to Kansas judges and attorneys who have need for the book. Orders may be placed with the Kansas Judicial Council, Statehouse, Topeka, Kansas.

The advisory committee appointed by the Judicial Council in 1969 to revise the July, 1956, Judicial Council Bulletin which published forms on probate practice has continued work on its project throughout the year 1972. The 1972 session of the legislature enacted proposed amendments to the Probate Code shortening the time period for the administration of estates, pursuant to recommendations of the Judicial Council. When work on probate forms is completed it will be published in a Special Judicial Council Bulletin. Members of this committee are: Robert H. Cobean of Wellington, Chairman and member of the Council; Roy Kirby, Coffeyville; Malcolm G. Copeland, Topeka; Walter G. Stumbo, Topeka; Jon C. Christlieb, Kansas City; and Clifford Holland, Jr., Russell.

The advisory committee appointed to prepare for publication a comparative analysis of the American Bar Association Standards for Criminal Justice with Kansas Law, Rules and Legal Practice completed its work in September, 1972, in advance of the State Judicial Conference held in October, 1972, at Wichita, Kansas. This comparative analysis is a work which every judge and attorney must have, if engaged in the practice or administration of Criminal law in Kansas. The publication is available at no cost to judges and attorneys who have need for the book. Orders may be placed with the Judicial Council, Statehouse, Topeka, Kansas.

Pursuant to House Concurrent Resolution No. 1003 passed by the 1971 session of the legislature the Judicial Council, through an advisory committee, has been working to draft a code of procedure for municipal or police courts. The members of the advisory committee are: Bill Honeyman, Topeka, Chairman; James D. Waugh, a member of the Council, Topeka; Basil Marhofer, Ness City; Charles Menghini, Pittsburg; John Gernon, Hiawatha; Ed Larson, Hays; and Charles Wetzler, Prairie Village.

The Judicial Council has undertaken a new project and to assist it an advisory committee has been appointed to draft a code of administrative procedure for Kansas. The members of the advisory committee are: Hon. Doyle E. White of Winfield, Chairman and member of the Council; Richard C. Byrd, Ottawa; Lewis C. Carter, Topeka; Rex L. Culley, Russell; Arden K. Ensley, Topeka; Byron M. Gray, Green Valley, Arizona; John E. Jandera, Topeka; and John S. Seeber, Wichita.

The publication of recent articles on the Uniform Probate Code has kindled public interest in a restudy of Kansas Probate Law and Practice. As a result the Judicial Council has undertaken to study the matter. The resolution to undertake the project was adopted at the Council's regular meeting on October 10, 1972. The resolution in full is published in this issue of the bulletin at page 80.

The advisory committee appointed by the Judicial Council pursuant to a request of the 1970 legislature to study the "feasibility and advisability of limiting, restricting or abolishing governmental immunity by statute" is nearing the completion of its work. It is anticipated that a full report with recommendations for legislation will be made to the 1973 session of the legislature. The

members of this advisory committee are: Marvin Thompson of Russell, Chairman and member of the Council; Wright Crummett, Overland Park; John Dekker, Wichita; Patrick F. Kelly, Wichita; David H. Heilman, Council Grove; Donald C. Smith, Dodge City; and Donald Hickman, Arkansas City. Comments of the committee's chairman and proposals drafted by the committee and approved by the Judicial Council as of this date are published in this Bulletin at page 71.

The Council also has standing advisory committees designed to keep the code of civil procedure current with amendments to the federal code of civil procedure and with current needs; to keep the new criminal code and code of criminal procedure up to date; and to supplement and keep current PIK-Civil and PIK-Criminal Jury Instructions.

On July 1, 1972, the Judicial Council added another legal research attorney to its staff, Linda Henry Elrod.

LAWYERS AND THEIR DETRACTORS

MARVIN E. THOMPSON, *President* of the Kansas Bar Association

As a state bar association president, I am privileged, somewhat, to an overview of the legal profession and its work. The position leads naturally to some personal observations on how lawyers in general fulfill their particular niche in the modern day society.

In current publications, it has become popular, in support of proposed change, to attack the lawyers. Mr. Dacey, in his handy, do-it-yourself estate planning manual—"How to Avoid Probate" is one example. He intimates that legal fees in probate matters drain the food and rent money from helpless widows and orphans.

The proponents of "no-fault" insurance would have one believe that fair automobile reparations will automatically result if lawyers may not handle auto accident cases on a contingency fee basis.

Murray Tigh Bloom in a current issue of *Reader's Digest* attacks minimum fee schedules as the scourge of the people. In his book, *THE TROUBLE WITH LAWYERS* he asserts that the lawyers have "made themselves *partners* by fixing their fees as a percentage of the amount of money involved."

It is heartening, at least, that all of these public detractors, seemingly want legal services. But they are concerned with what they should pay for those services.

The technique of these detractors is the common one of selecting the horrible example, and citing it as the norm.

If the same technique were applied in reverse, would we conclude that these detractors are entitled to the same credibility, as the bogus book on the life of Howard Hughes?

Lawyers are supreme egotists, but not to the extent that they fail to recognize that some in the profession are primarily motivated by greed and gold. But it is not the true picture of the profession.

The need and desire for legal services is constitutionally recognized and enforced—at least for persons charged with crime. Most states by statute, recognize the need of legal services for those whose freedoms and rights would be limited by an adjudication of mental illness or incompetency.

Those with substantial property or business interests have long recognized their need for legal services. Business interests employ full time lawyers, and retain prestigious law firms. This does not result because the corporate managers just like the daily association with legally trained people. It results because they recognize the day-to-day need for legal services.

Those without substantial property interests, in some respects, are in greater need of legal services. Like the "widow's mite," it's all they have.

But property interests are not the only human interests that lawyers protect. Ask anyone charged with crime whether he wants a lawyer to represent him. The defendant's query is not whether he wants a lawyer, but whether the one he gets is a "good lawyer."

In short, no one since Shakespeare has openly advocated the annihilation of the legal profession.

But the profession is subjected to wide criticism because in some types of cases, the lawyer works on a contingent fee basis, *i. e.*, a percent of the recovery obtained for the client. A recent state-wide newspaper editorial criticized the probable one-third contingent fee earned on the award of four hundred thousand dollars in damages for personal injuries. But there was no note of the statistic that ninety-four percent of the awards paid in automobile accident cases are under three thousand dollars. Neither was any note taken of the cases where no award is made.

The detractors will not believe it, but lawyers would much prefer to work for guaranteed hourly rates, than to take the chances of receiving no pay at all. The contingent fee system serves the wholesome goal of permitting people to have legal representation who could not otherwise afford it. Without the contingent fee system, all but the wealthy would be forced to rely upon the tender mercies of insurance adjusters.

The profession is criticized for having so-called "minimum fee schedules." Such schedules commonly provide for a minimum fee computed on a decreasing percentage of value of the property involved in estate administration, mortgage foreclosure, sometimes in partition actions.

The detractors again fail to recognize that minimum fee schedules tend to provide legal services for those who might not otherwise enjoy the services of a lawyer.

In the first place, "minimums" tend to become "maximums," for the simple reason that some other lawyer is probably willing to work for the minimum.

Secondly, although there are widely varying situations, the effort and ability that becomes involved, tends to vary proportionately with the amount of property involved. The responsibility and problems tend to vary in proportion to the value of the property.

While the procedures involved are basically the same, the administration of the decedent's estate with farm lands and machinery, growing crops and livestock, present infinitely different problems from those in the estate consisting of corporate stocks. But yet in the latter, the lawyer is not confronted with simple problems. He generally will be advising an executor who is not a professional investor. He must make decisions as to which assets should or can be sold; he must determine rights to income; he must know, and often determine, both income and estate tax consequences.

But consider the small estate with a ten thousand dollar valuation. Under one minimum fee schedule, the lawyer's fees would amount to four hundred sixty dollars. His basic procedures are the same as in a large estate. His fees will not equal the overhead costs per hour of keeping his office open.

Nevertheless, the lawyer handles the administration of that decedent's estate for the wholesome reason, that he recognizes the right of that decedent to pass his property on to others in such manner as the decedent desires.

There are those who from hindsight, would plan all types of supposedly better ways for the decedent to dispose of his property other than through probate of his estate. But since when has a man lost the right to do with his property as he desires. If he wants to will it to a home for wayward cats, the lawyer will protect his right to do so.

Consequently, minimum fee schedules tend to guarantee legal services to all, without regard to the values involved. Admittedly, the large estate may tend

to compensate for the small estate. But that very fact also tends to guarantee the satisfaction of the need for legal services where the property to be protected is of relatively small value.

It is somewhat surprising that those who would complain about decreasing percentage minimum fee schedules of lawyers, give no concern to paying a real estate agent a percentage of the sale price of the property to dispose of it.

Minimum fee schedules also tend to guarantee a better quality of legal services. While they are primarily guidelines for the lawyer in setting his fee, they tend to discourage fee cutting, but the minimum does tend to become the maximum. The uninitiated and the impractical will insist that fee cutting is only healthy competition, and inevitably produces lower-cost legal services to the public.

But the old maxim of getting what one pays for applies to legal services too. The client wants a good lawyer, not a cheap one. Consequently the client is better advised to hire a good lawyer for the minimum fee. At least presumably, if the lawyer is smart enough to handle the client's problem, he is smart enough to set a fair fee for his services.

There are no statistics, but lawyers do handle some matters below the minimum fee schedule. The lawyer is cognizant of the fact that if his fee exceeds the value of the client's right to be protected, the fee has to be reduced. But because he may ask a fee of ten dollars for drafting a contract involving two hundred fifty dollars, does not mean that he will not ask, and earn, a greater fee for a contract involving two hundred fifty thousand dollars.

The detractors of the legal profession would be surprised to learn that lawyers perform many legal services without fee. His training and experience make him an ideal member of various commissions, boards, governing bodies, and of course, the legislature. He cannot help but apply his legal expertise to these positions, and he does so without expectation of a fee.

No known statistics are available, but an educated guess would disclose that most churches, service clubs, and other non-profit organizations have probably been incorporated under the direct supervision of lawyer members without any lawyer fee being charged.

A special note of commendation is due to the lawyer legislator. He is unfairly subjected to the continuing charge that his legislative action is motivated to the protection of the legal profession. However, a count of noses will probably reveal lawyers on each side of most legislative proposals. There may be horrible examples of both lawyer and non-lawyer legislators, but for the most part the legislator, regardless of his vocation is motivated by his own belief on what is for the best interests of his constituency.

But in terms of compensation, the lawyer legislator, (except perhaps on the national level), takes a real beating. The legislative process calls directly upon the lawyers' talents. But his legislative compensation, compared to that he could earn in his law office, is negligible for the same time and effort in the performance of essentially legal services.

In the 1973 session of the Kansas Legislature, the lawyer members have been reduced to twenty-two out of one hundred sixty-five total legislators. Some good lawyer legislators chose not to run, possibly because of the economic sacrifice required. Other lawyer legislators were defeated because they took forthright stands on emotionally charged issues. In any event, the sparsity of

lawyer legislators in the session will present legislative leaders with real difficulties in staffing committees. Those experienced in the legislative process will recognize that the lawyers' analytical perception and persuasiveness are solely lacking. No other profession can match the legal profession in devotion of time and effort to public service.

In the private sector, the legal profession likewise provides no-cost, or at least limited-cost legal services. Even the detractors recognize the existence of legal aid societies. They are staffed and maintained by bar associations in larger cities. In the smaller communities every practicing lawyer advises and counsels with people whom he knows cannot pay a fee even equal to the lawyer's hourly overhead costs. There are no known statistics on these services. The lawyer performs them out of a sense of obligation to the profession and the public.

But lawyers may not sit back and rest on their laurels of public service. There are undoubtedly instances where individual lawyers forget that the practice of law is not a money-grabbing profession. The legal profession like all other human activities is subject to the natural law.

Nature abhors a vacuum. If the legal profession creates a vacuum by failing to justify the fee for its services or by failing to perform its primary function of serving the people, others will fill the vacuum.

If that happens, it will probably be a lawyer who figures out how to fill the vacuum.

It must be frankly recognized that the lawyers, like all other human institutions, lack perfection. But their good marks far exceed their bad ones. Their detractors take literary advantage of another human frailty. Apparently more books and articles are sold which attack a system, than those which cite the good of the system.

But in final analysis, a profession cannot be all bad, whose members strive to fulfill the following oath:

"You do solemnly swear that you will support and bear true allegiance to the Constitution of the United States and the Constitution of the State of Kansas; that you will neither delay nor deny any man his right through malice, for lucre, or from any unworthy desire; that you will not knowingly foster or promote, or give your assent to any fraudulent, groundless or unjust suit; that you will neither do, nor consent to the doing of any falsehood in court; and that you will discharge your duties as an attorney and counselor of the supreme court and all inferior courts of the State of Kansas with fidelity both to the court and to your cause, and to the best of your knowledge and ability. So help you God."

PROPOSED CHANGES IN THE RULES OF GOVERNMENTAL IMMUNITY

This issue of the Judicial Council Bulletin contains proposed legislation that will change the existing law on governmental immunity, if adopted.

The proposal results from a study of the subject assigned to the Judicial Council by the 1970 legislature. (Ch. 122, Laws of 1970.)

The proposal attempts to follow a basic premise *i. e.*, that whatever the rule regarding governmental immunity, it should be the same for the State of Kansas as for local units of government.

The proposal, insofar as it would impose liability for negligence on governmental units, disregards the existing case law, where governmental immunity is dependent upon whether the function is governmental or proprietary. Modern day society has brought governmental units into many areas previously served by or reserved to private industry. In final analysis the victim of negligent action is injured to the same extent, whether he is hit by the city's utility truck or the city manager's automobile.

The proposed statute preserves governmental immunity except in specified activities of governmental units. The reverse approach, of abrogating immunity except in defined excluded areas of governmental action was considered and rejected. It was felt that the exclusionary approach would be less definite, and consequently, more difficult in administration.

The primary study and drafting was done by an advisory committee appointed by the Judicial Council. Its members are John Dekker of Wichita, Patrick Kelly of Wichita, Wright Crummett of Overland Park, Donald Smith of Dodge City, David Heilman of Council Grove, and Donald Hickman of Arkansas City. The Advisory Committee was ably assisted in its work by Randy M. Hearrell and John M. Jaworsky, as Research Assistants to the Judicial Council.

The Council is most grateful for the diligence, time and expertise so freely devoted to the study by the members of the Advisory Committee.

MARVIN E. THOMPSON,
Advisory Committee Chairman.

PROPOSED GOVERNMENTAL IMMUNITY STATUTE

NOTE: The proposed governmental immunity statute is not complete. Amendatory sections relating to workmen's compensation were not approved in time to be published in this Bulletin. The title to the act and the repealing section were not completed at the time this issue of the Bulletin went to press. The following sections are printed with the thought that they will be of interest to the Bench and Bar of Kansas.

Section 1. (a) "Governing body" means the group or officer in which the controlling authority of any public body is vested.

(b) "Public body" means the state and any department, agency, board, commission or authority, of the state, any city, county, school district, or other political subdivision or municipal or public corporation and any instrumentality thereof.

Sec. 2. (a) It is hereby declared and provided that public bodies shall be immune from liability for negligence or any other tort or on an implied warranty except as provided herein or as is otherwise specifically provided by statute.

(b) Public bodies shall not be precluded from asserting any defense available to any other party.

Comment: The phrase implied warranty is used to refer to cases where in an attempt to avoid governmental immunity a theory of implied warranty is advanced.

Sec. 3. Public bodies are liable for damages caused by the negligence of their officers, employees and agents while acting within the scope of their employment or duties, in the operation of any motor vehicle as defined by K. S. A. 1971 Supp. 8-126 and acts amendatory thereof or supplementary thereto.

Sec. 4. Public bodies are liable for damages caused by negligence resulting from a dangerous or defective condition of any building or machinery, equipment or furnishings contained therein,

under their control, when open for use to members of the public, if any officer, employee or agent of the public body, having a duty to report or repair such defect, had actual or constructive knowledge of the defect, and for a reasonable time after acquiring knowledge failed to remedy the condition or to take action reasonably necessary to protect the public against the condition: *Provided, however,* That public bodies are not liable for damages resulting from the existence of such condition of any public property intended or permitted to be used as a park, recreational facility, playground or open area for recreational purposes.

Sec. 5. Public bodies are liable for damages caused by the negligence of their officers, employees and agents acting within the scope of their employment or duties in the operation of airports: *Provided, however,* That public bodies shall not be liable for damages due to the existence of any condition resulting from compliance with any federal or state law or regulation governing the use and operation of airports.

Sec. 6. Public bodies are liable for damages caused by the negligence of their officers, employees and agents acting within the scope of their employment or duties in the operation of the following public utilities: (a) Gas, (b) Electric, (c) Solid waste collection or disposal, (d) Heating, (e) Ground transportation systems, and (f) Water.

Sec. 7. (a) Public bodies are liable for damages caused by the negligence of their officers, employees and agents acting within the scope of their employment or duties in the operation of any hospital, infirmary, asylum, mental institution, clinic, dispensary, adult care home, health center, or similar and related facilities, except as hereinafter specifically provided.

(b) Public bodies shall not be liable for damages caused by the failure to make a physical or mental examination, or to make an adequate physical or mental examination of any person for the pur-

pose of determining whether such person has a disease or physical or mental condition that would constitute a hazard to health or safety of himself or others.

(c) Public bodies shall not be liable for damages resulting from diagnosing, or failing to diagnose, that a person is afflicted with mental or physical illness or addiction: *Provided, however,* That this subsection shall not be construed to exonerate a public body from liability for damages caused by the negligence of its officers, employees and agents in undertaking to administer any treatment prescribed for mental or physical illness or addiction.

(d) Public bodies shall not be liable for damages resulting from the failure to admit a person to any of the facilities designated in subsection (a) of this section.

(e) Public bodies shall not be liable for damages resulting from a determination to confine, treat or release a person for mental illness or addiction or for prescribing the terms or conditions of such confinement or release.

Sec. 8. Public bodies are liable for damages caused by negligence resulting from a dangerous or defective condition of any bridge, culvert, highway, roadway, street, alley, sidewalk, parking area, or other public thoroughfare which by law, or lawful agreement the public bodies are under a duty to maintain, if any officer, employee or agent of the public body, having a duty to report or repair such defect, shall have actual or constructive knowledge of the defect and for a reasonable time after acquiring such knowledge failed to remedy the condition or take action reasonably necessary to protect the public against the condition: *Provided,* Public bodies shall not be liable for damages caused by a defect in plan or design of any of the above improvements, except where such defect shall constitute a nuisance.

Officer, employee or agent, as used in this section, shall include, but is not limited to, the director of highways, state highway engi-

neer, member of the state highway commission, Kansas turnpike authority or the chief officer or director of any state office, board, commission, agency or authority, member of the board of county commissioners, the county engineer, or superintendent of roads and bridges for such county, township trustee, mayor of any municipality, member of the city council or commission, city engineer, city manager, commissioner or superintendent of streets, sheriff or deputy sheriff, highway patrolman or police officer.

Sec. 9. Public bodies, having a police force or law enforcement powers, are liable for damages caused by the action of a mob within the jurisdiction of such body if such police force or other law enforcement officers of the public body have not exercised reasonable care or diligence in the prevention or suppression of a mob.

Public bodies shall have all of the defenses in such action that are available to parties in tort actions.

As used in this section, the word "mob" shall mean an assembly of ten (10) or more persons intent on unlawful violence either to persons or property.

Sec. 10. Public bodies are liable for damages for creating or maintaining a nuisance on property under their control.

Comment: The purpose of this section is to extend to all governmental units the existing case law concerning the creating and maintenance of nuisances. In the past, these principles have applied only to cities and school boards, see generally the discussion in *Woods v. Kansas Turnpike Authority*, 205 Kan. 770, 772, 472 P. 2d 219 (1970).

Sec. 11. Public bodies are liable for damages caused by a breach of warranty, in the sale of goods, as defined by article 2, of the Uniform Commercial Code, K. S. A. 84-2-103, *et seq.*

Notice shall be given as required by section fifteen of this act, but the time of the breach, the accrual of the cause of action, and the period in which such action may be brought shall be controlled by the provisions of K. S. A. 84-2-725.

Comment: The warranties created by the Uniform Commercial Code are restricted by K. S. A. 84-2-105, to sales of goods or personal property by a merchant, as defined by K. S. A. 84-2-104, who regularly deals in goods of that kind or who holds himself out as having special knowledge attributable to his employment.

Several different kinds of warranties are created in the Code. Under K. S. A. 85-2-313, express warranties may be created by affirmation, promise, description or sample. A warranty of good title and rightful transfer is created by K. S. A. 84-2-312, and implied in every sale of goods except where excluded by the buyer. The implied warranty of merchantability, created by K. S. A. 84-2-314, arises out of trade usage. An implied warranty of fitness for a particular purpose, K. S. A. 84-2-315, is brought into operation by the sellers' awareness of the reliance of the buyer upon his skill or expertise in selecting goods. Between the parties to the agreement, warranties can be excluded or modified by the methods set out in K. S. A. 84-2-316, but cannot be excluded under K. S. A. 84-2-318, as to certain classes of third party beneficiaries who are not in privity with the seller and purchaser. Conflicts between warranties are controlled by the rules of construction in K. S. A. 84-2-317.

Warranties are controlled by the four-year statute of limitations in K. S. A. 84-2-725, which provides that the cause of action accrues when the breach occurs regardless of the aggrieved parties lack of knowledge of the breach. A breach of warranty occurs when a tender of delivery of the defective goods is made. Notice to the seller of the breach of warranty is not required by the Code.

Under Kansas law, the implied warranty is not contractual, but imposed as a matter of public policy, see *Rupp. v. Norton Coca-Cola Bottling Co.*, 187 Kan. 390, 357 P. 2d 802 (1960). The legal consequence of a breach of warranty is that of strict liability in tort, see Nugent, *Manufacturers Strict Liability in Kansas—Coming or Already Here?* 39 K. B. J. 219 (1970).

Sec. 12. (a) In any action against public bodies for damages, as provided in this act, the judgment shall not exceed the sum of _____ per person or the sum of _____ for each occurrence. Such judgments shall not include an award for exemplary or punitive damages.

(b) Public bodies are hereby authorized to purchase liability insurance coverage without regard for limits of liability contained herein. If public bodies have insurance coverage in an amount exceeding the limits of liability, as set forth in subsection (a) of this section, the limits of liability are extended to the amount of such coverage.

Comment: The committee is unable to reach an agreement on what the limits of liability should be. The committee therefore recommends maximum and minimum figures for such limits. The committee recommends that the limit of liability, per person, be not less than fifty thousand dollars nor more than one hundred thousand dollars, and that the limit of liability, per occurrence, be not less than one hundred thousand dollars nor more than three hundred thousand dollars.

Sec. 13. Except for judicial tax foreclosure, all lands, buildings, moneys, debts due a public body and all other property and other assets of every description belonging to any public body shall be exempt from levy, execution and sale, and no judgment against a public body shall be a charge or lien on such property.

Nothing in this section shall relieve any public body of the obligation to levy taxes or otherwise providing funds to pay judgments, and no such taxes, levy or funds provided for such purpose shall be exempt from any appropriate judicial process to enforce such judgments.

Public bodies which, on the effective date of this act, are without power or authority to levy a tax or provide funds for the purpose of paying judgments or premiums on a contract of insurance, provided for or made necessary by the provisions of this act, are hereby authorized to levy a tax or transfer any available or previously uncommitted funds for the purpose of paying any such judgments or premiums. Any such levy shall be made and certified pursuant to K. S. A. 1971 Supp. 79-2930.

Sec. 14. The venue of actions permitted by this act shall be as follows: (a) When a state office, board, commission, department, authority, or other agency of the state of Kansas, is the sole defendant, the action shall be brought in the county where the act or omission causing the damages occurred, or in the county where the plaintiff is a resident.

(b) When any other public body is a defendant, the action shall be brought only in the county where the act or omission causing the damages occurred.

(c) When the action is filed by a non-resident of the state of Kansas such action shall be brought in the county where the act or omission causing the damage occurred.

(d) When an action is filed against any public body, summons shall issue and service of process shall be made in accordance with K. S. A. 1971 Supp. 60-304 (d).

Committee Note: The Committee intends that the Venue Section be a part of the substantive law and any such actions should be limited to trial in state courts. Expense and inconvenience to governmental units for trial in distant Federal court locations are the basis of subsection (c).

Sec. 15. Public bodies shall not be liable for damages unless: (a) (1) within one-hundred-eighty (180) days of the date of the damage and prior to bringing of the suit, or (2) if the claim is authorized under Section 7, of this act, and the damages are not reasonably ascertainable until a future time, within one-hundred-eighty (180) days of the date the fact of damages is reasonably ascertainable to the injured party, (b) a written statement, giving the time and place of the happening causing the damages, the circumstances relating thereto, and a demand for payment of a fixed sum therefor, shall be served upon a person designated to receive process under K. S. A. 1971 Supp. 60-304 (d).

Mailing of the above notice by certified mail shall be sufficient service of notice of the claim.

Sec. 16. (a) The governing body of public bodies, other than the state of Kansas, is hereby authorized to consider, ascertain, adjust, determine, compromise and settle claims brought under the provisions of this act against such public bodies. The governing body of each public body shall adopt such rules and regulations as may be necessary for the establishment of a procedure for the settle-

ment of claims brought against such public body. Such rules and regulations shall not be inconsistent with this act.

(*b*) The state of Kansas is hereby authorized to consider, ascertain, adjust, determine, compromise and settle claims brought against it under the provisions of this act. The head of the department against which the claim is asserted, with the approval of the Attorney General, is empowered to settle claims in the amount of \$10,000 or less. If the amount of the claim is more than \$10,000 the settlement of such claim may be made by the department head with the approval of the Attorney General and with the approval of the State Finance Council.

RESOLUTION

A RESOLUTION relating to the probate laws of Kansas, providing for a comparative study and analysis thereof, creating an advisory committee on the probate code and prescribing the membership, duties and authority of such committee, and providing for a report and recommendation by the Kansas Judicial Council upon the completion of such analysis and study.

WHEREAS, by law (K. S. A. 20-2203) it is the continuous duty of the Kansas Judicial Council: "To survey and study the judicial department of the state, the volume and condition of business in the courts, whether of record or not, the methods and rules of procedure therein, the time elapsing between the initiation of litigation and the conclusion thereof, and the condition of dockets as to finished business at the closing of terms; to receive and consider suggestions from judges, members of the bar, public officials and citizens concerning faults in the administration of justice, and remedial rules and practice; to recommend methods of simplifying civil and criminal procedure, expediting the transaction of judicial business and eliminating unnecessary delays therein and correcting faults in the administration of justice;" and,

WHEREAS, pursuant to the aforesaid statutory mandate, the Judicial Council, in the year 1937, undertook a study of the Kansas law of estates and the procedures in Kansas Probate Courts which work was completed in January of 1939 and was submitted to the Kansas Legislature, in bill form, as a proposed new Kansas Probate Code. Such proposed new code was enacted into law by the 1939 Legislature (Laws of 1939, Chapter 180) and became effective July 1, 1939; and,

WHEREAS, the 1939 Kansas Probate Code was considered as a model by other states in the United States and, with periodic legislative amendments and additions thereto (many of which have been proposed by the Judicial Council) has efficiently served the State of Kansas and its Citizens for more than thirty years; and,

WHEREAS, the lapse of time and the changes wrought therein have created an interest among various segments of the citizenry, legislature, bench and bar of the State of Kansas for a review, study, and analysis of the Kansas Probate Code for the purpose of deter-

mining whether or not such code, when evaluated by present day standards, fulfills its intended purpose in the most expeditious, economical and judicious manner; and,

WHEREAS, the Kansas Judicial Council believes that the best interests of the State and its citizens would be served by the conduct of an analysis and study of the Kansas Probate Code and the Judicial Council is willing to undertake such study and is charged by law with the duty of doing so: Now, therefore,

It is, by the Kansas Judicial Council, hereby resolved, that the Kansas Judicial Council shall forthwith undertake and conduct a study and analysis of the Probate Laws of Kansas. Such study and analysis shall include, but it shall in no way be limited to, the following subjects and areas:

1. All Kansas laws relating to the probate of decedent's wills, the administration of intestate decedent's estates, proceedings to determine descent, procedures and practices relating to the termination of life estates and joint tenancies, proceedings for the refusal to grant letters of administration and all of Article 15 of Chapter 79 of Kansas Statutes Annotated relating to the collection and enforcement of legacy, succession and inheritance taxes.
2. The period of time presently required for the completion of administration, probate or processing of decedent's estates, including a determination of the feasibility of further reducing the time limitations presently existing in such matters.
3. The adequacy or inadequacy of present procedures for the presentation, adjudication and protection of the rights and claims of heirs, devisees, legatees, creditors and others interested in decedent's estates and the need, if any, for changes therein.
4. The reasonableness of costs, fees and allowances made in trusts, decedent's estates and other estates to executors, administrators, conservators, trustees, attorneys, accountants, realtors and others in the various courts.

5. The impact and effect of any proposed changes in the Kansas Probate Law upon titles to Kansas real estate and the transfer of ownership of personal property.

Further resolved, that in conducting the study and analysis herein provided for, the Judicial Council shall consider and compare the probate laws of Kansas with the proposed Uniform Probate Code and with the probate laws of the states surrounding Kansas and, if indicated or deemed necessary or beneficial, with the probate laws of any other state in the United States.

Further resolved, that for the purpose of assisting the Kansas Judicial Council in conducting and completing the study herein authorized an Advisory Committee is hereby created. Such Advisory Committee shall be known as the Kansas Judicial Council's Advisory Committee on the Probate Code. The Advisory Committee shall consist of eleven members, one of whom shall be a member of the Kansas Judicial Council who shall serve as Chairman of the Advisory Committee. Five members of the Advisory Committee shall be laymen and the remaining five members thereof shall be selected from the membership of the Judiciary and the Bar of the State of Kansas. The Advisory Committee members shall be selected by the Kansas Judicial Council.

Further resolved, that the Advisory Committee on the Probate Code shall meet on the call of its chairman at such time and place as the chairman shall designate, that the Advisory Committee may employ such staff to assist in the conduct of its work as is authorized by the Judicial Council, and that the Advisory Committee is authorized to conduct such hearings as it may determine necessary to complete the study herein authorized.

Further resolved, that the Advisory Committee shall report to the Judicial Council when, and as, directed by the Chairman of the Judicial Council and that all reports and recommendations of the

Advisory Committee shall be subject to study, review, amendment and alteration prior to final approval and adoption by Judicial Council as the work product of the Kansas Judicial Council.

Further resolved, that, upon the completion by the Kansas Judicial Council of the study herein provided for, a written report, including recommendations, shall be transmitted to the Kansas Legislature and shall be published in the Kansas Judicial Council Bulletin.

Adopted by the Kansas Judicial Council on October 10, 1972, amended November 17, 1972.

ATTEST:

(s) JAMES D. WAUGH

Secretary

(s) ALFRED G. SCHROEDER
Chairman, Kansas Judicial Council

COURT DAYS IN DISTRICT COURTS—1973

(Please see notes on page 94)

Counties	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Allen Div. No. 1 Div. No. 2 Div. No. 3	Iola	Floyd H. Coffman Robert F. Stadler Alex Horehchiss	Jeanne Smith	4	15c	26c	19c	16c	21c	4h	2h	6h	17c	15c	19c	17c
Anderson Div. No. 1 Div. No. 2 Div. No. 3	Garnett	Floyd H. Coffman Robert F. Stadler Alex Horehchiss	Robertta Bowman	4	5c	2c	2c	6c	4c	1c	6c	3c	7c	5c	2c	7c
Atchison Div. No. 1 Div. No. 2	Atchison	Kenneth Harmon J. W. Lowry	Mary Lou Underwood	1	8	5	5	2	7	4	2	6	10	1	5	3
Barber Div. No. 1 Div. No. 2	Medicine Lodge	Doyle E. White Charles H. Stewart	Donna Garten	19	17c	12c	14c	18c	14c	7c	9c	1c	6c	8c	6c	4c
Barton (see note 7) Div. No. 1 Div. No. 2	Great Bend	Frederick Woelshelgel Herb Kohleder	Irene Horner	20	3c	7c	6c	4c	2c	5c	5c	30c	55	3c	5c	5c
Bourbon (see note 1)	Fort Scott	Charles M. Warren	Betty O'Dell	6	2	7	7	4	14	6	11	8	10	3	7	5
Brown	Hiawatha	Chester C. Ingels	Mildred Davis	22	16	20	20	17	22	5	24	7	18	16	20	18
Butler Div. No. 1 Div. No. 2	El Dorado	J. Patrick Brazil Page W. Benson	Virginia Elmore	13	8	5	5	2	7	11	2	6	10	1	12	10
Chase	Cottonwood Falls	R. E. Miller	Virgene E. Gaines	5	29	26	26	30	29	25	30	27	24	30	26	31
Chautauqua Div. No. 1 Div. No. 2	Sedan	J. Patrick Brazil Page W. Benson	Morine Stout	13	15	5	12	2	14	8	5	10	4	15	5	3

COURT DAYS IN DISTRICT COURTS—1973—CONTINUED

(Please see notes on page 94)

Counties	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Cherokee	Columbus	Don Musser	Nina Coldiron	11	2	5	6	2	7	4	9	6	5	1	5	3
Div. No. 1	Columbus Div.	William P. Meek														
Div. No. 2	Galena Div.	Hal Hylar			3	6	5	3	8	5	10	7	4	2	14	4
Div. No. 3		George W. Donaldson														
Div. No. 4																
Cheyenne	St. Francis	William B. Ryan	Ena Zimbelman	17	2c	6c	5c	4c	3c	4c	2c	20c	4c	3c	1c	6c
Clark	Ashland	Ernest M. Vieux	Betty Wyatt	16	4c	2/c	8c	5c	3c	7c	12c	9c	6c	4c	8c	6c
Clay (see note 4)	Clay Center	Lewis L. McLaughlin	Lucille Murrison	21	4	1	5	4	1	4	3	23	6	3	5	5
Div. No. 1		Ronald D. Innes			16	15	5	10	24	4	5	30	11	18	5	13
Div. No. 2																
Div. No. 4																
Cloud	Concordia	Marvin O. Brummett	Marguerite Larson	12	2c	9c	6h	4c	9c	14c	11c	14h	4c	3c	7c	3c
Coffey	Burlington	Floyd H. Coffman	Mayree E. White	4	2c	8c	8c	3c	3c	7c	5h	1h	4c	4c	1c	6c
Div. No. 1		Robert F. Stadler														
Div. No. 2		Alex Hotchkiss														
Div. No. 3																
Comanche	Coldwater	Ernest M. Vieux	Ellen M. Erwin	16	3c	7c	7c	4c	7h	6c	11c	8c	5c	3c	7c	3c
Cowley	Winfield	Doyle E. White	Barbara Gilland	19	8s	2c	1/2a	6c	4c	4a	6c	3c	7c	1a	2c	7c
Div. No. 1		Charles H. Stewart														
Div. No. 2																
Crawford	Girard	Don Musser	Janice Caruthers	11	5	2	2	6	4	1	6	3	7	5	2	7
Div. No. 1	Girard Div.	William P. Meek														
Div. No. 2		Hal Hylar														
Div. No. 3	Pittsburg Div.	George W. Donaldson			8	5	5	2	7	4	2	6	4	1	5	3
Div. No. 4																
Decatur	Oberlin	William B. Ryan	Alice J. Vernon	17	5c	1/2c	6c	5c	2c	5c	6c	22c	5c	1c	6c	5c

COURT DAYS IN DISTRICT COURTS—1973—CONTINUED

(Please see notes on page 94)

Counties	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Dickinson Div. No. 1. Div. No. 2.	Abilene	John M. Rugh Albert B. Fletcher, Jr.	Roberta Sleichter	8	2	6	6	3	4	5	2	28	10	2	6	6
Doniphan	Troy	Chester C. Ingels	Alice F. Crane	22	17	21	21	18	23	6	25	8	10	17	21	19
Douglas (see note 2) Div. No. 1. Div. No. 2.	Lawrence	Frank R. Gray James W. Paddock	Lucille E. Allison	7	5	5	2	6	7	1	2	1	7	5	5	7
Edwards (see note 8)	Kinsley	Maurice A. Wildgen	Joan Parnell	24	3a	6a 13b	6a	3a	2a 14b	5a	10a	2a	5a	2a 23b	6a	4a
Elk Div. No. 1. Div. No. 2.	Howard	J. Patrick Brazil Page W. Benson	Gertrude Loyd	13	8	9	19	9	7	4	9	13	17	1	9	17
Ellis	Hays	Benedict P. Cruise	W. J. Billinger	23	8a 22a	5a	12a 26a	9a 23a	7a	11a 25a	9a	6a	10a 24a	7a	12a 26a	17a
Ellsworth (see note 7) Div. No. 1. Div. No. 2.	Ellsworth	Frederick Woleslagel Herb Rohlfeder	Helen Katzenmeier	20	23c	27c	27c	24c	22c	26c	2c	28c	25c	23c	27c	18c
Finney (see note 5)	Garden City	Bert J. Vance	Rose Murray	25	8c	20c	6c	10c	14c	26c	17c	3c	17c	16c	19c	18c
Ford	Dodge City	Ernest M. Vieux	Beatrice Slatery	16	5c	9c	9c	6c	4c	8c	13c	10c	7c	5c	9c	7c
Franklin Div. No. 1. Div. No. 2. Div. No. 3.	Ottawa	Floyd H. Coffman Robert F. Stadler Alex Hotchkiss	Ruby Sanford	4	12c	9c	9c	13c	11c	8c	6h	3h	14c	2c	9c	7c
Geary Div. No. 1. Div. No. 2.	Junction City	John M. Rugh Albert B. Fletcher, Jr.	Lillian Newman	8	3	7	5	4	2	4	3	29	11	3	12	5

COURT DAYS IN DISTRICT COURTS—1973—CONTINUED

(Please see notes on page 94)

Counties	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Gove	Gove	Benedict P. Cruise	Mabel Fagan	23	10a	20a	19a	11a	22a	18a	10f	7f	12a	16a	19a	11a
Graham	Hill City	C. E. Birney	Margaret A. Hildebrand	15	2	5	5	4	14	4	2	6	17	5	9	4
Grant (see note 6)	Ulysses	Keaton G. Duckworth	Edna M. Walker	29	2h	6h	6h	9c	1h	5h	3h	1h	11c	3h	6h	3c
Gray	Cimarron	Ernest M. Vieux	Marie Babcock	16	2c	6c	6c	2c	1c	5c	10c	7c	4c	2c	6c	4c
Greedy (see note 5)	Tribune	Bert J. Vance	Margaret L. Pyle	25	2e	26e	5e	9e	7e	18e	9e	1e	24e	15e	12e	17e
Greenwood	Eureka	J. Patrick Brazil Page W. Benson	Eleanor Tucker	13	15	20	19	9	21	15	13	3	10	9	19	3
Hamilton (see note 5)	Syracuse	Bert J. Vance	Ruth Noggle	25	2f	26f	5f	9f	7f	18f	9f	1f	24f	15f	12f	17f
Harper	Anthony	Doyle E. White Charles H. Stewart	Olive L. Ghormley	19	16c	5c	13c	17c	7c	6c	10c	2c	5c	2c	5c	3c
Harvey	Newton	Sam H. Sturm	Joe Fox	9	11b 25b	19b 22b	8b 22b	12b 26b	17b 24b	7b 21b	12b 26b	2b	6b 20b	4b 18b	2b 29b	6b 20b
Haskell (see note 6)	Sublette	Keaton G. Duckworth	Georgia McNabb	26	2c	6c	12c	4c	2c	6c	3c	2c	17c	3c	7c	12c
Hodgeman (see note 8)	Jetmore	Maurice A. Wildgen	Agnes C. Gleason	24	3g	6g 26b	6g	3g	2g 29b	5g	10g	2g	5g	2g	6g 12b	4g
Jackson	Holton	John W. Brookens	George W. Dunlap	2	8	7	7	4	7	6	11	8	12	1	7	5
Jefferson	Oskaloosa	John W. Brookens	Mary Schaller	2	9	6	5	3	8	4	10	7	11	2	5	4
Jewell	Mankato	Marvin O. Brummett	Eva Myers	12	4c	8c	7c	2c	10h	13c	10c	14c	5c	15c	8c	4c

COURT DAYS IN DISTRICT COURTS—1973—CONTINUED

(Please see notes on page 94)

Counties	County seat	Judge	Clerk	No. Judd. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Johnson Div. No. 1 Div. No. 2 Div. No. 3 Div. No. 4 Div. No. 5	Olathe	Herbert W. Walton. Harold L. Hammond	Hazel J. Mueller	10	10 24	14 28	14 23	11 25	9 23	13 27	11 25	8 22	12 26	10 24	14 28	12 26
Kearny (see note 5)	Lakin	Bert J. Vance	Elizabeth Williams	25	2h	26h	12a	9h	7h	18h	9h	1h	24h	15h	12h	17h
Kingman Div. No. 1 Div. No. 2	Kingman	Doyle White Charles H. Stewart	Janis McIlrath	19	22c	14c	16c	23c	16c	11c	10h	2h	24c	3c	8c	6c
Kiowa	Greensburg	Ernest M. Vieux	Billie M. Hucknide	10	3h	7h	7h	4h	7c	6h	11h	8h	5h	3h	7h	3h
Labette (see note 3) Div. No. 1 Div. No. 2 Div. No. 3 Div. No. 4	Oswego Oswego Div. Parsons Div.	Don Musser. William P. Meek Ral Hyler George W. Donaldson	Virginia Beaty	11	5 19	6 16	9 23	10 20	11 25	15 29	27	24	14 28	14 28	9 23	14 28
Lane (see note 8)	Dighton	Maurice A. Wildgen	Ella Lawrence	24	4g 22	7g	7g 19b	4g	3g	6g	11g	3g	4g	3g	7g 19b	5g
Leavenworth Div. No. 1 Div. No. 2	Leavenworth	Kenneth Harmon James W. Lowry	Mary Kate Gausz	1	5	2	2	6	4	1	6	3	7	5	2	7
Lincoln	Lincoln	Marvin O. Brummett	Jennie Panzer	12	3c	5c	8c	3c	11c	12c	12c	16c	6c	4c	19c	5c
Lin (see note 1)	Mound City	Charles M. Warren	Pearne Bealy	6	4	8	8	2	3	7	9	9	6	4	8	3
Logan	Oakley	Benedict P. Cruise	H. Belle Solley	23	2a	21a	13a	2a	23a	12a	11a	8a	4a	17a	13a	12a

COURT DAYS IN DISTRICT COURTS—1973—CONTINUED
(Please see notes on page 94)

Counties	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Lyon	Emporia	R. E. Miller	Alice Long	5	31	28	28	25	30	27	25	20	26	31	28	26
Marion	Marion	John M. Rugh Albert B. Fletcher, Jr.	Geraldine Seibel	8	4	5	7	5	7	6	5	30	12	1	7	4
Marshall (see note 4)	Marysville	Levis L. McLaughlin Ronald D. Innes	Wilma Jean Blaser	21	2	2	7	2	3	6	2	22	4	5	7	6
Div. No. 1				2	2	13	13	2	22	12	3	28	4	16	20	11
Div. No. 2				9	8b 26b	9b 23b	9b 23b	2b 27b	11b 25b	8b 22b	13b 27b	3b	7b 21b	1b 19b	2b 16b	7b 21b
McPherson	McPherson	Sam H. Sturm	Alma Bretches	9	2h	6h	6h	2h	1h	5h	10h	7h	4h	2h	6h	4h
Meade	Meade	Ernest M. Vieux	Edyth Cooper	16	2h	5	6	3	1	4	3	7	4	1	6	4
Miami (see note 1)	Paola	Charles M. Warren	Vivian L. McCready	6	9	7c	5c	3h	10c	12h	12h	16h	7c	5c	5c	6c
Mitchell	Beloit	Marvin O. Brummett	Neva Wagner	12	4h											
Montgomery	Independence	David H. Scott	Bessie Scofield	14	4	1	1	5	3	7	5	2	6	4	1	6
Independence Div.				5	2	2	2	6	4	1	6	3	7	5	2	7
Coffeyville Div.				5	5	8	8	2	3	1	6	31	13	4	8	3
Morris	Council Grove	John M. Rugh Albert B. Fletcher, Jr.	Marie Borkert	8	5											
Div. No. 1				26	3h	13c	7c	3h	3c	7c	5c	6c	4c	2h	8c	11h
Div. No. 2				22	15	22	19	16	21	4	23	6	17	15	19	17
Morton (see note 6)	Elkhart	Keaton G. Duckworth	Verda Mae Allen	26	3h	13c	7c	3h	3c	7c	5c	6c	4c	2h	8c	11h
Nemaha	Seneca	Chester C. Ingals	Jane Heinen	22	15	22	19	16	21	4	23	6	17	15	19	17
Neesho	Erie	Don Musser	Virginia Embry	11	3	7	13	4	2	6		29	5	10	7	5
Div. No. 1				4	4	6	14	5	1	5	3		6	9	6	4
Div. No. 2																
Div. No. 3																
Div. No. 4																

COURT DAYS IN DISTRICT COURTS—1973—CONTINUED

(Please see notes on page 94.)

Counties	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Ness (see note 8)	Ness City	Maurice A. Wildgen	Opal Burdett	24	4a	7a 12b	7a 12b	4a	3a	6a	11a	3a	4a 10b	3a	7a	5a 10b
Norton	Norton	William B. Ryan	Elsie Brault	17	3c	7c	7c	6c	4c	7c	9c	23c	10c	15c	7c	7c
Osage Div. No. 1 Div. No. 2 Div. No. 3	Lynndon	Floyd H. Coffman Robert F. Stadler Alex Hotchkiss	Margaret Knight	4	3c	7c	6c	4c	2c	5c	5c	1c	5c	3c	6c	5c
Osborne	Osborne	William B. Ryan	Irene Lafoon	17	4c	9c	8c	9c	7c	12c	12c	28c	7c	5c	8c	3c
Ottawa Div. No. 1 Div. No. 2 Div. No. 3	Minneapolis	Morris V. Hoobler Raymond E. Haggart	Esther Plunkett	28	9	13	13	10	8	12	10	14	11	9	13	11
Pawnee (see note 8)	Larned	Maurice A. Wildgen	Lois Miller	24	2g 22b	5g	5g	2g 2b	1g	4g	9g	1g	6g	1g 9b	5g	3g
Phillips	Phillipsburg	William B. Ryan	Evelyn M. Parker	17	9c	14c	14c	2c	8c	8c	10c	24c	11c	8c	5c	10c
Pottawatomie	Westmoreland	John W. Brookens	Deane L. Arnold	2	11	8	8	2	10	7	12	9	10	4	8	3
Pratt Div. No. 1 Div. No. 2	Pratt	Doyle E. White Charles H. Stewart	Betty Onstott	19	15c	13c	15c	16c	15c	8c	9h	1h	10c	15c	7c	5c
Rawlins	Atwood	William B. Ryan	Bessie B. Peterson	17	8c	5c	7c	3c	1c	6c	3c	21c	16c	2c	2c	4c
Beno Div. No. 1 Div. No. 2	Hutchinson	William A. Gossage James H. Rexroad	Genevieve Getter	27	5	2	2	6	4	1	6	3	7	5	2	7
					19	16	16	20	18	15	20	17	17	19	16	21
					12	9	9	13	11	8	13	10	14	12	12	14
					26	23	23	27	25	22	27	24	28	26	23	28

COURT DAYS IN DISTRICT COURTS—1973—CONTINUED

(Please see notes on page 94.)

Counties	County seat	Judge	Clerk	No. Jrd. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Republic	Belleville	Marvin O. Brummett	Earl J. Baldrige	12	5h	6h	6c	5c	7c	13h	9c	15h	5h	1c	6c	7c
Rice (see note 7) Div. No. 1 Div. No. 2	Lyon	Frederick Woleslagel Herb Rohleder	Laura Saint	20	2c	5c	5c	3c	7c	4c	3h	29h	4c	1c	6c	3c
Riley (see note 4) Div. No. 1 Div. No. 2	Manhattan	Lewis L. McLaughlin Ronald D. Innes	Ruth Houghton	21	5 15	5 5	9 12	6 16	7 7	8 11	6 2	24 27	7 10	1 1	9 12	7 10
Rooks	Stockton	C. E. Birney	Nadine Desbien	15	3	1	1	3	7	5	3	1	4	2	7	3
Rush (see note 8)	La Crosse	Maurice A. Wildgen	Clara Humburg	24	2a 3b	5a	5a 26b	2a	1a	4a	2a	1a	6a 24b	1a	5a	3a
Russell (see note 7) Div. No. 1 Div. No. 2	Russell	Frederick Woleslagel Herb Rohleder	Vivian Miller	20	22c	26c	26c	23c	23c	25c	2h	28h	24c	24c	26c	17c
Saline	Salina	Morris V. Hoobler Raymond E. Haggart	Betty J. Just	28	2	6	6	3	1	5	3	7	4	2	6	4
Scott (see note 5) Sedgwick	Scott City	Pert J. Vance	B. Arlista Grube	25	2b	21b	5b	16b	8b	25b	10b	1b	25b	15b	20b	17b
Wichita	Wichita	Willis W. Wall Howard C. Kline B. Mack Bryant James V. Riddle, Jr. James J. Noone Robert T. Stephan Tom Raum, Jr. Nicholas Klein David P. Calvert	Dorothy I. Van Arsdale	18												

(see note 10)

COURT DAYS IN DISTRICT COURTS—1973—CONTINUED
(Please see notes on page 94)

Counties	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Seward (see note 6)	Liberal	Keaton G. Duckworth	Dessie Jenkins	26	8c	2c	2c	16c	4c	8c	6c	3c	7c	8c	2c	14c
Shawnee	Topeka	William R. Carpenter	Lorene Wells	3	26	2	2	5	11	15	20	24	28	28	2	7
Div. No. 1		Michael A. Barbara				2	9	13	18	22	27	31	31	5	9	14
Div. No. 2		E. Newton Vickers			5	16	16	20	25	29	3	3	7	12	16	21
Div. No. 3		Adrian Allen			12	23	23	27	1	6	10	14	19	19	23	28
Div. No. 4		Kay McFarland			19	23	30	30	4	8	13	17	21	26	30	30
Div. No. 5																
Sheridan	Hoxie	C. E. Birney	Vergie Wentz	15	3	26	2	5	21	6	5	2	5	1	8	5
Sherman	Goodland	C. F. Birney	Viva Peter	15	5	6	6	2	1	11	6	7	7	4	6	7
					23	20	20	13	15	25	20	21	21	18	19	20
Smith	Smith Center	William B. Ryan	Florence Vincent	17	10c	8c	9c	16c	9c	11c	11c	27c	6c	4c	19c	11c
Stafford (see note 7)	St. John	Frederick Woleslagel	Arlene E. McCandless	20	8c	6c	7c	2c	1c	6c	3c	29c	10c	2c	7c	4c
Div. No. 1		Herbert Rohleder														
Div. No. 2																
Stauton (see note 6)	Johnson	Keaton G. Duckworth	Bonnie Eckas	26	3c	26c	6c	3c	1c	5c	3c	1c	10c	2c	6c	11c
Stevens (see note 6)	Hugoton	Keaton G. Duckworth	Shirley Delamp	26	22c	7c	26c	4h	2h	6h	3h	2h	11h	23c	7h	12h
Summer	Wellington	Doyle E. White	Mary E. Carter	19	9c	2h	5c	6h	8c	5c	6h	3h	11c	1h	2h	7h
Div. No. 1		Charles H. Stewart														
Div. No. 2																
Thomas	Colby	C. F. Birney	Thelma Livingston	15	4	2	19	6	29	7	9	3	6	3	5	6
Trigo	Wakeeney	Benedict P. Cruise	Cora V. Hladak	23	9a	19a	5a	10a	21a	4a	10a	7a	11a	15a	5a	10a
Wabaussee	Alma	John W. Brookens	Mary E. Tolbert	2	12	5	9	6	21	8	13	10	14	15	9	7
Wallace	Sharon Springs	Benedict P. Cruise	Evelyn A. Warren	23	15a	21f	13f	16a	23f	12f	11f	8f	17a	17f	13f	12f

COURT DAYS IN DISTRICT COURTS—1973—CONCLUDED

(Please see notes on page 94)

Counties	County seat	Judge	Clerk	No. Jud. Dist.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Washington.....	Washington.....	Marvin O. Brummett.....	Lois Acres.....	12	5c	6c	9c	6c	8c	4c	13c	15c	17c	2c	9c	7c
Wichita (see note 5)...	Leoti.....	Bert J. Vance.....	Margie Amcs.....	25	2e	26e	5c	9c	7c	19e	9e	1e	24e	15e	12e	10c
Wilson.....	Fredonia.....	Don Musser William P. Meek Hal Hyler George W. Donaldson	Leslie V. York.....	11	2	8	15	3	3	7	5	30	4	11	8	6
Woodson.....	Yater Center.....	Floyd H. Coffman Robert F. Stadler Alex Hotehliass	Doris Peterson.....	4	16c	97c	20c	17c	15c	4c	2c	6c	18c	16c	20c	18c
Wyandotte.....	Kansas City.....	O. Q. Claffin, III William J. Burns Harry G. Miller, Jr. Joe H. Swinehart Leo J. Moroney Cordell D. Meeks	Richard D. Shannon.....	29							(see note 9)					

mony must be specially set by the judge to which the case is assigned. Motions in criminal cases are assigned for hearing by the Assignment Judge.

Attorneys of record will be notified of settings by the Clerk. No regular motion days are designated during the months of July and August, and each judge will hear his motions at such times during these months as will be fixed by him. During July and August, all pre-trial motions in domestic relations cases, and emergency matters will be heard on Friday by the judges on duty. Arrangements in all felony cases where the defendant is bound over to the district court are held on the third Friday of each month at 1:30 p. m. in the division assigned to criminal matters.

NOTE 10. In Sedgwick County, all pre-trial motions filed during any week, except motions in domestic relations cases, shall be heard by the Administrative Judge at 9:30 a. m. on Friday of the following week.

All post-trial motions and petitions filed under K. S. A. 60-1507, will be heard at 2:00 p. m. on the following days by the Judge of the Division which tried the case:

- Division 1: First Thursday of each month;
- Division 2: Every Friday of each month;
- Division 3: First Friday of each month;
- Division 4: Second Thursday of each month;
- Division 5: Second Friday of each month;
- Division 6: Third Thursday of each month;
- Division 7: Third Friday of each month;
- Division 8: Fourth Thursday of each month;
- Division 9: Fourth Friday of each month.

All motions in civil cases shall state the date, time and Division of Court in which the motion is to be heard.

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

- Division 1: First Thursday of each month;
- Division 2: Every Friday of each month;
- Division 3: First Friday of each month;
- Division 4: Second Thursday of each month;
- Division 5: Second Friday of each month;
- Division 6: Third Thursday of each month;
- Division 7: Third Friday of each month;
- Division 8: Fourth Thursday of each month;
- Division 9: Fourth Friday of each month.

All motions in domestic relations shall state the date, time and division of court in which the motion is to be heard.

In all felony cases where the defendant is bound over to the district court, and all appeals from inferior courts shall be arraigned on Wednesday of the second following week at 2:00 p. m. by the Administrative Judge.

Italicized dates indicate the first day of the regular term of court—*a.* 9:00 a. m.; *b.* 9:30 a. m.; *c.* 10:00 a. m.; *d.* 10:30 a. m.; *e.* 11:00 a. m.; *f.* 1:00 p. m.; *g.* 1:30 p. m.; *h.* 2:00 p. m.

NOTE 1. In Bourbon, Linn and Miami Counties, court convenes at 10:00 a. m. for trial to the court and 9:00 a. m. for jury trials.

NOTE 2. In Douglas County all court days open at 9:30 a. m.; on days at which a term of court opens, the civil docket will be called beginning at 9:30 a. m. in Division 1 and at 2:00 p. m. in Division 2. The time at which defendants bound over for appearance at the Court Days for February through December, 1973, shall be fixed by Court Rule after the Judge of Division 2 of this Court shall have assumed his office in January, 1973.

NOTE 3. In Labette County, Parsons Division, July 30 and August 27, are Civil Court Days and July 31, and August 28, are Criminal Court Days.

NOTE 4. In Marshall County, opening day of the January and September term of court is delayed one day *a/c* New Year's Day and Labor Day. In addition to the regular days of court in Division One, in Riley County, time permitting, special days of court will be held on each Friday of the month. Also, special days of court in Division One and Two will be scheduled in Clay, Marshall and Riley Counties as the need arises. In addition to the days scheduled in Division Two, in Riley County, motions will be scheduled in Riley County on every Monday, other than opening days of the terms in Clay County and Marshall County, and Mondays falling on holidays.

NOTE 5. In Finney, Scott and Wichita Counties, central time is shown. In Greeley, Hamilton and Kearny Counties, mountain time is shown.

NOTE 6. In Haskell, Grant, Stanton, Morton, Stevens and Seward Counties, court will convene as follows—Central time:

First day of each Regular Term—10:00 a. m.

Motions Days—Forenoon sessions—10:00 a. m.

Afternoon sessions—2:00 p. m.

Jury Sessions (unless otherwise ordered)—10:00 a. m.

NOTE 7. In Barton, Ellisworth, Rice, Russell and Stafford Counties, dates in July and August are Arrangement Days only.

NOTE 8. In Edwards, Hodgeman, Lane, Ness, Pawnee and Rush Counties, court will convene as follows—Local Standard Time:

Regular Term—9:30 a. m.

Motion Days—Forenoon sessions—9:00 a. m.

Afternoon sessions—1:30 p. m.

Jury Sessions (unless otherwise ordered)—9:30 a. m.

NOTE 9. In Wyandotte County all pre-trial motions will be heard by the division to which the case was assigned, at 9:30 a. m. on Fridays, as follows:

Division 1, 3 and 5 on the First and Third Fridays of each month.

Division 2, 4 and 6 on the Second and Fourth Fridays of each month.

All post trial motions and matters requiring the presentation of oral testi-

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CLYDE HILL. (1961-1965)	Yates Center
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