

## Proposed Amendments to Rule 107 Rules Relating to District Courts

The Kansas Supreme Court is accepting public comment on proposed amendments to Rule 107: Duties and Powers of Chief Judge.

Generally, the rule has been restyled to align with other Supreme Court rules and to ensure Rule 107 reflects current practices. Amendments also:

- specify that only a district judge can be appointed chief judge;
- require the chief judge, or the chief judge’s designee, to consider guidelines issued by the Office of Judicial Administration when assigning court reporters;
- revise the vacation planning section to ensure adequate coverage of the court’s caseload and the prompt discharge of the judge’s adjudicative and administrative responsibilities;
- clarify that a judge must accept assignment of a case unless the judge is disqualified under Kansas law or the Code of Judicial Conduct, or the interests of justice require the judge’s recusal; and
- revise the deadline by which the chief judge must send to the Office of Judicial Administrative a second copy of the court’s budget.

Amendments to Rule 107 are shown using strikethrough for deletion and underling for new language.

Comment may be made by email to [publiccomments@kscourts.org](mailto:publiccomments@kscourts.org) until noon Wednesday, July 17, 2024. The subject line must read “Rule 107.”

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### Rule 107

#### ~~DUTIES AND POWERS OF CHIEF JUDGE~~ OF A JUDICIAL DISTRICT

- (a) ~~**Appointment and Term; Recommendation.**~~ A chief judge of a judicial district is appointed as follows: (1) — ~~**Appointment.**~~ In each judicial district, ~~the~~ Supreme Court will appoint a district judge to serve as chief judge ~~in each judicial district.~~
- (b2) ~~**Term.**~~ A chief judge ~~is appointed for~~ will serve a ~~2~~ two-year term that begins January 1 in an even-numbered year. ~~When the Supreme Court makes~~ An interim appointment, ~~the chief judge will serve~~ is for the remainder of the ~~2~~ two-year term.

- (c3) **Reappointment.** ~~No later than~~ On or before November 30 in an odd-numbered year, an ~~incumbent~~ chief judge must notify the Supreme Court whether the chief judge wishes to be reappointed serve another two-year term.
- (d4) **Recommendation.** A judge of the district court may recommend a district judge of the judicial district to serve as to the departmental justice the appointment of a chief judge for the judge's district. The judge must make the recommendation to the departmental justice, and the Supreme Court must keep any the recommendations confidential.
- (eb) **Chief Judge's Duties and Powers and Duties.** ~~The~~ A chief judge's powers and duties include the following, and administrative powers include:
- (1) **Clerical and Administrative Functions.** The chief judge is responsible for and has supervisory authority over the court's judicial district's clerical and administrative functions.
  - (2) **Personnel Matters. (A) — General Responsibility.** The chief judge is responsible for and has supervisory authority over recruitment, removal, compensation, and training of the court's judicial district's nonjudicial employees, including their recruitment, removal, compensation, and training.
    - (AB) **Appointment of Clerk and Chief Clerk.** The chief judge must appoint a clerk of the district court for each county in the judicial district. The chief judge must also and appoint one clerk of the district court to be chief clerk of the judicial district, except that a chief clerk is not required to be designated in a judicial district which that is authorized to have a court administrator. On appointment, the following provisions apply:
      - (i) the chief judge must send a copy of each appointment order must be sent to the Office of Judicial Administrator Administration; and
      - (ii) the chief judge must require the clerk or and any chief clerk appointed under this subparagraph must to take and subscribe to an oath or affirmation under K.S.A. 54-106.
    - (BC) **Appointment of Local Language Access Coordinator.** The chief judge must appoint a local language access coordinator for the judicial district and notify give notice of the appointment to the

Office of Judicial Administration of the appointment.

- (3) **Official Court Reporter Assignment.** The chief judge, or the chief judge's designee, must consider guidelines issued by the Office of Judicial Administration when assigning an official court reporter to take the record in a judicial proceeding.
- (43) **District Court Case Assignment.** Under the Supreme Court's supervision, the chief judge is responsible for case assignment, including assigning a case to any special division of the judicial district. The following provisions guidelines apply:
- (A) ~~To the extent reasonably possible,~~ the chief judge must distribute the judicial district's judicial work cases as equally as possible;
- (B) a judge must accept an assigned case unless the judge is either disqualified under Kansas law or the Code of Judicial Conduct or the interests of justice the judge's recusal; and
- (CB) ~~The~~ chief judge should reassign a cases when necessary.
- (D) ~~The chief judge is responsible for assigning cases to the court's special divisions, if any.~~
- (54) **Judge Assignment to Special Division.** (A) ~~Subject to approval by a majority of the other judges of the judicial district, the chief judge must~~ assign a judges to the court's any special divisions, if any; and of the judicial district created under K.S.A. 20-438.
- (6ii) **Vacation Planning.** ~~Subject to approval by a majority of the other judges of the judicial district, prepare an orderly vacation plan that is consistent with statewide guidelines. When judges of the district court schedule vacations or other time off, the chief judge must ensure adequate coverage of the judicial district's caseload and the prompt discharge of the judges' adjudicative and administrative responsibilities.~~
- (7B) **Chief Judge Pro Tem.** Subject to the departmental justice's approval, the chief judge may appoint another district judge of the judicial district to act as chief judge pro tem. in the chief judge's absence. The departmental justice may appoint a district judge chief judge pro tem. if the chief is unable to make the appointment.
- (C) ~~A judge must accept an assigned case unless the judge is disqualified~~

~~or the interests of justice require the judge's recusal.~~

- (85) **Information Compilation.** The chief judge is responsible for ~~developing and coordinating~~ compiling statistical and management information.
- (96) **Fiscal Matters.** The chief judge must supervise the court's judicial district's fiscal affairs matters.
- (A) **Designation of Fiscal Officer.** The chief judge must designate a fiscal officer for each county in the judicial district to assist in managing the court's budget. The chief judge may designate a clerk of the district court or court administrator as fiscal officer. In multicounty judicial districts, the ~~chief judge same person~~ may designate a person to serve as fiscal officer for one or more than one counties.
- (B) **Supervision of Fiscal Officer's Duties.** The chief judge must supervise a fiscal officer's performance of the following duties: in each county must
- (i) initiating under the chief judge's supervision, initiate expenditures from the court's budget and processing expenditures for the operation of all court offices within the county;
  - (ii) maintaining accounts on all budgetary matters; and
  - (iii) regularly reporting to the chief judge on the status of the court's budget.
- (C) **Preparation of County Operating Budget; Copies.** In preparing and submitting a district court county operating budget, the chief judge or designated ~~or a fiscal officer under the chief judge's supervision~~ must do the following:
- (i) use forms ~~prescribed~~ provided by the Office of Judicial administrator Administration;
  - (ii) follow in detail the district court county operating budget guidelines distributed by the Office of Judicial Administration;

- (iii) send forward to the Office of Judicial Administration administrator a copy of the budget when submitting at the time the budget is submitted it to the board of county commissioners; and
- (iv) no later than August 25, forward to the judicial administrator obtain a second copy of the budget that is signed by the county commission's presiding officer of the county commission indicating and that indicates approval of the budget as submitted or as amended; and
- (v) send to the Office of Judicial Administration the second copy of the budget by August 25 if the county does not intend to exceed the revenue neutral rate or by October 1 if the county intends to exceed the revenue neutral rate as provided by K.S.A. 79-2988.

(107) **Committees.** The chief judge may appoint standing and special committees necessary to perform the court's duties.

(118) **Judicial District ~~Judicial~~ Meetings.** At least once a ~~each~~ month in a single-county judicial district and at least once every 3 months in a multicounty judicial district, the chief judge must call a meeting of all judges of the judicial district ~~court~~ to review the judicial district's dockets and to discuss other business affecting ~~the court's~~ efficient court operations.

(129) **Liaison and Public Relations.** The chief judge represents the court in business, administrative, and public relations matters. When appropriate, the chief judge or a designated judge should meet with ~~or designate other judges to meet with~~ the bench, bar, and news media ~~committees~~ to review problems and to promote understanding of the judicial system.

(130) **~~Court Improvement in the Court's Functioning.~~** The chief judge must evaluate the ~~court's judicial district's~~ effectiveness in administering justice and recommend ~~changes~~ improvements as needed.