

Clerks Advisory Minutes

The Clerks' Advisory met at the Judicial Center February 17, 2017. Attendance was as follows:

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| Judicial Department One | Connie Stithem |
| Judicial Department Two | Krisena Silva (absent) |
| Judicial Department Three | Janet Westbrook (phone) |
| Judicial Department Four | vacant |
| Judicial Department Five | Deena Jones |
| Judicial Department Six | Debbie Schmidt |
| KADCCA President | Ruth Wheeler |
| KADCCA Pres. Elect | Lea Throckmorton |
| KADCCA Secretary | Amanda Truan |
| KADCCA Treasurer | Christine Blake |
| District Court Clerk Specialist | Benita Chaplin |
| OJA Staff Attorney | Sarah Hoskinson (absent) |
| KADCCA Guest | Teresa Drane (Salina) |
| KADCCA Guest | Sherry Harrington (Clark) |
| Jennifer Bates | Chief Deputy Appellate Clerk |
| Geoff LaTurner | Appellate Records Clerk |

Appellate Clerks Office -Jenny and Geoff attend the meeting to discuss appellate court issues. There was discussion about court reporters and how electronic transcripts are submitted statewide, e-filing to the appellate court from the district court and issues with the appellate court e-mailing to the district court. There was discussion about inviting a representative from the appellate clerk's office to the KADCCA conference for electronic transcript training/discussion. Below are questions that were asked:

1. When are district courts going to be able to e-file to the appellate court? **I don't know. But I will be discussing with I.T. and the Clerk's Office next week the possibility of the appellate courts e-filing orders for records and docketing notices to the district court.**
2. Is it possible for docketing notices and order for record to be e-filed? Why are they faxed and U.S. mailed? It is possible. **It is not yet know whether it is an efficient use of the appellate court clerks' time. It also is not known how efficient it will be in the event that the district court cannot e-file to the appellate court. The docketing notices are always sent via U.S. mail and the orders for record are sent by fax. If there is a problem with the fax, then they are sent by other means.**
3. Jenny is to speak with Allison about the district courts receiving documents via e-mail. Rooks County reports receiving e-mailed pleadings as recent as December 2016. **Allison reported all docketing notices are sent by U.S. mail.**
4. Can we get contacts for the appellate clerk's office? **The appellate clerk's office contacts are:**

Allison Schneider 785-296-2768
Rachael Behzadi 785-296-2852
Geoff LaTurner 785-296-4513

Jennifer Bates 785-368-7170

Barbara White 785-296-2864

Electronic transcripts - KADCCA would like to have a training discussion about the electronic transcript process at one of their conferences. **This will be brought up to I.T.**

K.S.A. 59-618a regarding filing of wills- Can a clerk accept a will from an individual (for instance a will that was simply found in a box)? **There are two different statutes that direct filing of wills. K.S.A.5918a address a situation where a person is filing the will along with the affidavit for eventual admission to probate. A docket fee is required to file a will under that statute per K.S.A. 59-104. However, K.S.A. 59-621 also directs filing of a will by the person who has custody of the will after the testator's death. There is no affidavit requirement in that statute, and no docket fee attached to it. If/when that will is admitted to probate the filer will have to pay the full fee for that.** All CAC members said they would not accept the will in the context mentioned in the initial question. Lea requested the committee's comments be reflected in the minutes. OJA notes that clerks do not have authority to refuse a will filed under the two statutes cited.

Inmates allowed to pay off court costs –Can inmates be allowed to pay off their court costs with tasks in jail? **The judge has the authority to make this determination. The clerk is to follow the journal entry.** CAC mentioned KADCCA proposing legislation on this issue in the future.

Juvenile Pre-Filled Immediate Intervention Program (IIP) – There was discussion about the clerk process if pre-filed IIP is implemented in a district.

Permitted Paper Filings Rule – The committee reviewed the "Permitted Paper Filings" draft prepared by Sarah. The committee was asked whether there were additional pleadings that should be added to the list. The committee recommended the KPC worksheet be added to the list. It was also requested Sarah consider making the following changes to the draft before finalizing the rule. The report of adoption, confidential address PFA/PFS and legal services vouchers be removed from section A and be placed under section D. The committee's suggestions will be taken under advisement.

DUI diversions -There was discussion about DUI diversions electronically filed and whether the county/ district attorney or the clerk is responsible for sending a copy of the diversion agreement to DMV.

Melanie Waters provided the following answer: **For Division of Vehicles, it is by statute the court's responsibility and the court must send electronically (see K.S.A. 8-1567(h)). KDOR does not want any diversion except DUI diversions or chemical refusal diversions. These are sent by the court electronically when the court enters a finding of deferred adjudication for DUI or chemical refusal. Any other diversion is not reported to KDOR Division of Vehicles.**

On a revocation of diversion, if it is OTHER than dui or chemical refusal, when the clerk changes the finding to guilty plea and updates the disposition date OJA will also pick it up electronically. If it is a revocation of diversion for DUI or chemical refusal the clerk (not prosecutor) should send a paper abstract to the division.

