

MEMORANDUM

TO: Kansas Judicial Council
FROM: Supreme Court Rules Advisory Committee
DATE: December 3, 2010
RE: Elimination of Local Rules

By letter dated February 10, 2010, Mark Rockwell of Lawrence requested that the Judicial Council consider his proposal that local court rules be eliminated in Kansas. He cited action taken in Colorado, where most local rules were eliminated and replaced by a set of rules called “practice standards” and where local rules are now allowed only for matters strictly “local” in nature. The Judicial Council, at its June 2010 meeting, assigned the issue to the Supreme Court Rules Advisory Committee. Following the Judicial Council meeting, Mr. Rockwell sent another letter on this topic dated June 15, 2010. Copies of both letters are attached.

On July 21, 2010, the Committee considered Mr. Rockwell’s proposal that local rules be eliminated in Kansas.

After discussion, the Committee determined that a thorough consideration of a blanket dismissal of local rules in Kansas would require an in-depth study that the Committee is unable to undertake at this time, due to the size of the current assignment to restyle the Supreme Court Rules. The Committee noted that such a study would include a determination of whether there are, in fact, any problems in Kansas with local rules and, if so, whether it would be helpful or even possible to craft a set of practice standards. This would involve a comprehensive review of all local rules currently in place and input from attorneys and judges throughout the state. The Committee also noted that the issue of local rules is not solely governed by Supreme Court Rule 105. K.S.A. 20-342 grants district courts the authority to promulgate local rules and would also have to be amended in order for Kansas’ approach to local rules to be significantly altered. The Committee concluded that “this issue should go back to the Judicial Council with a recommendation that a new committee be formed to better address Mr. Rockwell’s suggestion.”