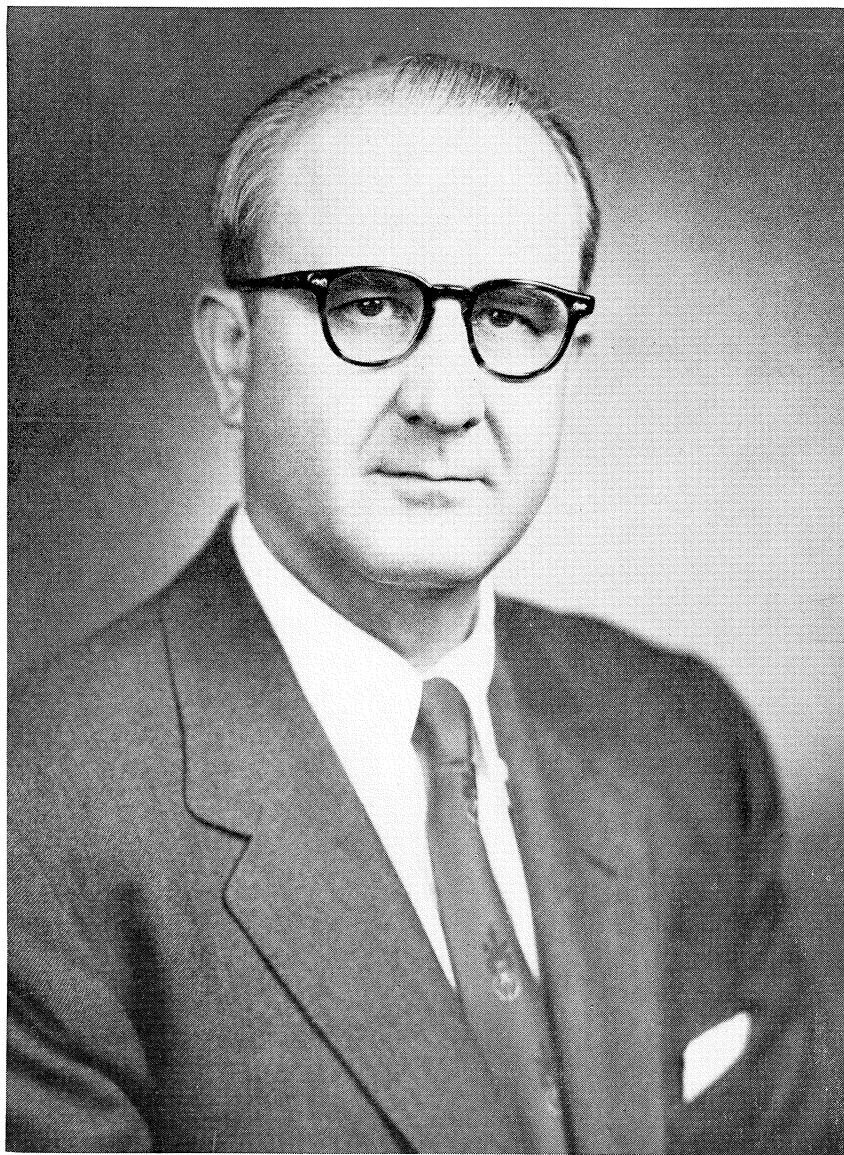


MOTION DAYS, 1956

# KANSAS JUDICIAL COUNCIL BULLETIN

DECEMBER, 1955

PART 4—TWENTY-NINTH ANNUAL REPORT



CLAUDE E. CHALFANT

*President*

The Bar Association of the State of Kansas

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## FOREWORD

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Following our customary practice, we have asked the Honorable Claude E. Chalfant, President of the Bar Association of the State of Kansas, whose photograph is shown on the cover, to prepare an article on a subject of his own choosing for publication in this issue of the BULLETIN.

Mr. Chalfant is a native of Newton, attended the public schools in Ellinwood, and attended Bethany College, at Lindsborg, for two years. He was graduated from the University of Kansas Law School in 1927, and was admitted to the practice of law that year. He formerly was associated in practice in Hutchinson with the late John R. Beeching, F. Dumont Smith and Eustace Smith. In 1933 he became a partner of Senator Walter F. Jones. In 1941 he became a partner of Harold R. Branine, and presently is a member of the firm of Branine, Chalfant & Littooy, in Hutchinson.

In 1932 he was married to June Young Ecklund. They have three sons—Bill, a senior in the University of Michigan Law School, Mike, who entered the University of Kansas Law School last fall, and Steve, a senior in Hutchinson High School.

Mr. Chalfant has served as a member of the Hutchinson School Board, on the Board of Directors of the Reno County Chapter of the American Red Cross, and on the Board of Directors of the University of Kansas Alumni Association. At the present time he is a member of the Board of Trustees of the University of Kansas Endowment Association. In 1937 he served as President of the Hutchinson Chamber of Commerce. He is affiliated with the Reno County, Southwest Kansas, and Kansas and American Bar Associations.

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Also included in this issue of the BULLETIN is an article by William A. Dumars, Reporter of the Supreme Court of Kansas, which we believe will be of interest to our readers. Mr. Dumars was graduated from Washburn University Law School, and was engaged in the general practice of law in Topeka for ten years. He served as Assistant City Attorney of Topeka for four years, and as Assistant Commissioner of Insurance for the State of Kansas for five years. He has served as Reporter of the Supreme Court since 1947. His assistants are James R. James, a graduate of Washburn University Law School in 1953, and Mark H. Adams, Jr., a senior in Washburn University Law School.

### **CORRECTION**

We call attention to an error appearing in the seventh paragraph of the Summary of the Work of the Supreme Court for the year ending June 30, 1955, shown on page 20 of the October, 1955, issue of the BULLETIN. The paragraph should read:

Of the 220 cases submitted to the Supreme Court on the merits, in 3 cases the opinions were filed before the first regular opinion day; in 199 cases on the first regular opinion day; in 14 cases on the second regular opinion day; in 2 cases on the third regular opinion day; in 1 case on the fourth regular opinion day; and in 1 case on the fifth regular opinion day.

## Some Economic Problems of the Legal Profession

By CLAUDE E. CHALFANT, *President*

The Bar Association of the State of Kansas

At the conclusion of one of the first meetings of the Bar Association of the State of Kansas which I attended in the late Twenties, I recall hearing the officers and members of the Association congratulating themselves on a splendid meeting and pointing out how an annual meeting of lawyers differed from any other convention in that in the two-day meeting not one word of complaint had been registered about the inadequacy of attorney fees nor one proposal made which would add to the lawyers' gross incomes.

Perhaps the Kansas lawyer of some twenty-five to thirty-five years ago had reason to feel smug and secure in the compensation he was then receiving for his daily efforts; but, if so, present statistics generally show that, in the last twenty years, earnings for the legal profession have failed to keep pace not only with the rising costs of doing business and the rising costs of living but even with the earnings of other professions.

In recent years, a few members of the Association—and not always the younger members—have said in effect that although it is well and good to come to annual meetings to hear papers read on ways and means of expediting the trial of lawsuits, improving our public relations, and administering justice, what they would like to hear on occasion is some practical methods or plans for increasing their annual income as lawyers.

Now is there any reason why we should not take a few minutes to think of our own welfare?—Where do we as lawyers stand with relation to our national economy?—Certainly we are sufficiently realistic to know that the day will not soon come when someone will pay us a guaranteed annual wage.—Therefore, is our position improving? Are we standing still? Or, are we losing ground?—Of course, some may well argue that the status of our profession should not be determined by its financial reward alone. But in these inflationary times with rising costs, it becomes essential that we take a look at the facts if we as lawyers are going to properly maintain our families, educate our children, and keep our offices and ourselves adequately and properly equipped to meet the demands of our clients. Moreover, we are proud of our profession: a profession whose members have given so much of their time and energy to establish and maintain liberty under the law. We know that eternal vigilance is the price of liberty, and the law must remain attractive to the able young men of tomorrow if future generations are to have lawyers of ability and character to protect the liberty of those who will come after us.

Statistics prepared by the United States Department of Commerce show, for example, that during the period of 1929 to 1949, total personal incomes in the nation increased by 141%, while the share of the income received by non-salaried lawyers increased by only approximately 73%.

To show factually how the income of the average lawyer in the United States has declined with relation to the income of others is forcibly brought

home to us when we compare the average net income of non-salaried lawyers and physicians for the following years.

| <i>Years</i> | <i>Lawyers</i> | <i>Physicians</i> |
|--------------|----------------|-------------------|
| 1929 .....   | \$5,534.00     | \$5,224.00        |
| 1934 .....   | 4,218.00       | 3,382.00          |
| 1939 .....   | 4,391.00       | 4,229.00          |
| 1944 .....   | 6,504.00       | 9,802.00          |
| 1949 .....   | 8,083.00       | 11,744.00         |
| 1951 .....   | 8,730.00       | 13,432.00         |

It will be noted that in 1929 the doctors and lawyers started out with about the same average income and remained fairly even until the early Forties when the lawyers' incomes failed to keep pace with the increased costs of doing business.—Some might argue that the doctors' incomes are out of line; however, statistics indicate that the income of all earners increased 109% from 1929 to 1949, while the income of all doctors increased 108%.

The Department of Commerce survey presents some additional, interesting facts which disclose among other things that in 1949 the average net income for doctors was almost twice that of lawyers for the entire United States in cities up to 500,000. In cities exceeding 500,000, the average income of doctors decreased, while that of lawyers increased to a point that in cities of over one million, lawyers' incomes exceeded that of doctors by a small margin.—The one ray of sunshine in this statistical picture is that when the average incomes are assigned to age groups, the lawyers' incomes tend to remain fairly steady between the age bracket of sixty to seventy, while the doctors' incomes have decreased approximately 60%. Perhaps the doctor at age seventy has acquired independent means and is no longer a full-time practitioner.—But, unfortunately, we have no cities in Kansas of over 500,000 to which we may move our practice; so our only consolation is to hope that we will reach sixty so that we can outearn our medical friends.

What about Kansas?—Only limited information is available as no formal study has ever been conducted to determine the economic conditions of the legal profession in Kansas.—A survey was recently made by the Ohio State Bar Association at a cost of approximately 30¢ per association member. Some very interesting and useful data was assembled.—Such a survey would certainly appear to be a worthwhile project here in Kansas if the survey could be made at a comparable cost per member.—The United States Bureau of Census, Census of Population, 1950, gives some comparative data of income of Kansas lawyers. *This report gives the median\* annual net income of Kansas lawyers for 1949 as \$5,659.00 with a national average of \$6,257.00.*—Although the average income in Kansas is below the national average, it does compare more favorably than some of our neighbors (Missouri, \$5,473; and Colorado, \$5,400). Yet, when we consider that the income of our profession on a national basis has failed to keep in step with other professions and the employees of industry, we know that we must take a look at the facts.

We do so many things from day to day in our offices without giving the slightest consideration to the reflection they have on the overhead in our offices.—In the September meeting of the Missouri Bar Association at Kansas City this year—to my utter amazement—a lawyer from a small county-seat

\* Median income is that income below which (and above which) half of all the income recipients fall.

town made the statement that his cost analysis of the work performed in his office showed that it cost him 85¢ to write the average letter for a client.— And he gave the impression of being a most competent and busy lawyer.— Consider for a moment, if you will, how much free service of this nature we lawyers have been giving for years. Certainly none of our friends in the retail business treat us so generously.

We—and I say *we* advisedly—in Reno County are still operating under a so-called minimum fee schedule adopted in 1949. The reason I say “so-called” is that like all such schedules it too often becomes the maximum schedule. In the meantime, the overhead continues to increase. I have personal knowledge of one three-man office (and not very elaborate) in Kansas which has increased its fixed overhead 89% from 1946 to 1954. When a lawyer made a substantial fee fifty years ago, he was able to retain practically all of it; now, national statistics show that “overhead” takes about one-third of the lawyer’s gross income and, of course, Uncle Sam is there for a part of the balance.—In 1931, when I became associated with the late F. Dumont Smith, one of the commissioners who revised the Statutes of 1923, and a very great lawyer, he prided himself on never having had a carpet in any of his many private law offices. Now, carpets are almost as essential as desks and chairs. But that is only a start. A lawyer in a modern office today must have (and his fees are the only means by which he may pay for them): electric typewriters, duplicators, dictation machines, indirect lighting, air conditioning, and intercommunication system—and somewhere I read that a few have the Muzak machines for playing soft background music.

Admittedly, a good many fine and able lawyers in Kansas do not have all the equipment above mentioned and, certainly, some who do not have the so-called modern, up-to-date offices are in the top income brackets; but as a normal thing, I believe it is the lawyer in the neat, attractive, efficient and well-equipped office who is being well paid for his services today.

It is always easy to pose the problems. But why does the net income of the legal profession continue to lag?—In an article in the March, 1952, issue of the *American Bar Journal*, Arch M. Cantrall, Esq., of the West Virginia Bar, suggested three possible reasons why doctors’ incomes have outstripped the incomes of lawyers, namely:

- (a) That the medical student upon graduation is much better qualified than the law school graduate;
- (b) The highly organized and intensive postadmission training of doctors as compared with the spasmodic and scanty postadmission training of lawyers; and
- (c) Failure of the lawyers to keep pace with the changes and expansions in the field of legal practice.

No doubt, all of the aforesaid reasons have made their contribution to the present economic status of the legal profession; but, to me, the basic reasons for the failure of the average lawyer to get his share of the national income are:

- (a) The failure to appreciate present costs of doing business;
- (b) The failure to recognize the value of his services to his clients; and
- (c) The lack of interest in the subject of office management.

The old adage “Practice makes perfect” hardly applies to one after twenty-eight years of private (no, not even one month on the public pay roll) law practice, but it has given me some fixed ideas of how to make a law practice

pay.—And in giving advice about law practice, I am reminded of what I have had to tell my sons many times: “Do as I say, not as I do.”

**HONESTY:** Of course, a law student should never be admitted to practice if he is not honest; but honesty in the legal profession means something over and above the generally accepted definition of the term. It means the maintenance of a character beyond reproach. No lawyer can hope to long succeed financially or otherwise in the practice of law without making honesty his number one policy, not only with his clients, but with the courts and his fellow lawyers. A lawyer's word must be his bond whether given over the phone, on the street corner, or across the bench or counsel table.

**CLIENTS:** We all, young and old, recognize that clients are a *must* around every law office. How to acquire them is the problem. Every member of the public is a prospective client, and any contact with any person may be the factor which brings him or his friend in as a client. A good reputation and a favorable public acquaintance is the source of most successful law practices; and membership in fraternal and civic organizations and clubs is regarded as sound and effective means of acquiring favorable acquaintance. Favorable contacts with officials of banks, trust companies, and other financial institutions, can be a very valuable source of law practice. Participation in public and civic affairs is desirable to a certain extent. Sometimes, however, a bad public reaction may result from too active participation, as people sometimes hesitate to employ a lawyer who appears to be spending most of his time in extra-professional activities.

In all non-professional contacts, a lawyer's professional ability is gauged by his personal conduct. If he is dilatory, evasive, overbearing, arrogant or incompetent in his social or civic relations, the inevitable conclusion of the public will be that his professional capacity is similarly limited.

Once an individual or corporation has become a client, never let him or it get away. I have known lawyers with great ability to attract clients to their offices but with no ability to keep them as such. The successful lawyer realizes that it is more important to retain the clients he already has than to expend effort in acquiring new business which he may never get. There is the old proverb that if a lawyer keeps in his office, his office will keep him.

Keep your client well informed as to what you are doing for him. Send him copies of letters you write for him or receive from others concerning his matters. Send him a copy of any brief you may write in his behalf. Do not let him get the impression that you are doing nothing about his case. Talk to him occasionally. A client likes to know that his business is on your mind. Of course, there are large and small matters in any law office; but regardless of whether it is large or small, it is of great importance to the client himself. Always tell your client both the good and bad things about his case. Never hold anything back. When first consulted about a matter, never oversell your client on his chances of winning a lawsuit. Point out all of the possibilities. Never belittle a client. Always make him feel at ease and important to your law practice. Avoid at all costs the “I'm-a-very-busy-man” attitude. Always give a client the impression that his case is your most important business at the moment. Never let telephone calls or some other business interfere unreasonably with some client's appointment.

**OFFICE AND EQUIPMENT:** A law office should be located convenient to the public and should be attractive, prosperous looking, and neat. Maintain modern and up-to-date equipment. Electric typewriters, duplicators, and dictation



machines are expensive but they pay dividends. It was once the feeling that if a lawyer furnished and equipped his office in an attractive manner he would frighten clients away. Now, we know that your good clients not only like comfortable surroundings but that they prefer to do business with the law office that has the appearance of success.

**FEES:** Attorney fees are the lifeblood of every law office. Most county bar associations have their so-called minimum fee schedules, but a lawyer soon learns that there is no "standard" price which fits every case. Where possible, have a definite understanding as to the fee in advance. If it is not possible to determine a fixed fee, sometimes a minimum and maximum can be agreed upon. Of course, in some types of law business—such as administration of estates which will run for an indefinite period of time—it may not be possible to fix a fee in advance.—I am reminded of an answer that one of my old law partners (now deceased) always gave his clients who wanted to know what the fee would be to handle the administration of an estate. He always replied that it was as impossible to determine at the outset as it would be for any farmer to fix the charge in advance for plowing a field where he had no knowledge as to the number of acres in the field. When it is impossible to fix a fee in advance for a matter which is apt to take months or perhaps years to conclude, it has always been my thought that one should sell a client on the idea that if he has sufficient confidence in you as a lawyer to entrust the business with you, then he should believe that you will be fair in fixing the fee at the conclusion of the litigation. But in any legal matter that is to be carried on over a period of time, it is the best practice to apply the old Four "R" Rule: First, request a "retainer"; then, after a while, send a "refresher"; then a "reminder"; and when the matter is concluded, a "remainder."

Ninety-nine percent of the clients expect to and want to pay a fair fee for legal services. The only question in most cases is "What is a fair fee?" Of course, a fair fee does not mean something that is fair only to the lawyer or to the client, but means a fee that is fair to both parties.

The American Bar Association recommends that certain elements be taken into consideration in determining fees. Those elements are:

- (1) The time, labor and skill involved;
- (2) Possible loss of other employment;
- (3) Customary charges of the Bar for similar services;
- (4) The amount involved and the benefits resulting to the client;
- (5) Whether the compensation is certain or contingent;
- (6) Whether the attorney's services are for a casual or a constant client.

Of course, none of the elements are controlling. They are mere guides.

We should never charge exorbitant and unreasonable fees, but, by the same token, our charges should be something above the actual cost of producing the services. Lawyers should realize that accepting business and charging fees for less than what is regarded as standard and reasonable will never create additional business. The general public will not want or demand more divorces, quiet title suits, or wills probated, just because the services are cheap. Generally speaking, there is just so much law business, and the fees charged have little or nothing to do with the quantity of law business in any given community. Contingent fees are regarded as ethical so long as they are not unconscionable or unreasonable.

A lawyer should never permit or request a client to fix his fee. Normally, a client does not have the proper basis for fixing a fee, has no information

concerning the normal expenses of a law office or even the time actually spent on his particular matter. When we lawyers go into a retail store, the retailer does not ask us the price of the merchandise we desire to purchase. If a lawyer does not know what his fee should be for the services performed, certainly no one does. I believe a client soon loses any respect for a lawyer who does not have a fixed idea of the value of his services.

RECORDS AND FILES\*: Keep complete and adequate bookkeeping records including daily time records. Keep complete itemized statements showing receipts and disbursements on each client's affairs whether in litigation or not. You should require clients in every instance where possible not only to make an original deposit for costs, but to reimburse for expenses if the matter runs on indefinitely. Keep a record of every long distance call, mileage, depositions, photographs, surveys, unusual postage, and any other item of expense, and charge it to the individual client in addition to the fee.

Keep an individual file on every case in the office, and, when the case is completed, close the file. There are several methods of maintaining filing systems. In small offices, alphabetical filing will prove satisfactory. In larger offices, filing should be on a numerical basis. Keep accurate records of all closed files so that they are accessible.

An important thing in every well-regulated office is an accurate calendar so that appointments, answer dates, sheriff sales, publications, etc., are never overlooked.

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It is said that "time" is the lawyer's capital. We have just so much time left to practice law, and as each hour and day passes, we have just that much less capital. No lawyer can expect to make a success of his law practice and receive sufficient income from it to properly take care of his family without *work*. There are only 365 days in a year; and, when one takes out Sundays, half Saturdays, holidays, vacations, the generally accepted fact is that the lawyer only has about 1500 to 1800 hours a year that he can consider "working hours." If a lawyer is unwilling to give his utmost in those hours, he has little prospect of a successful career. I mentioned earlier my association with F. Dumont Smith. He was truly a great lawyer and many times was referred to as "brilliant." I recall his comment on more than one occasion that he thought the term "brilliant" as applied to lawyers was badly overworked. He said that he had found in his experience that in practically every instance the so-called "brilliance" was only the result of long, hard study and work. Experience in the end teaches us all that "there is no substitute for work."

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This article results from the long-established custom of requesting something in writing from the incumbent President of the Bar Association of the State of Kansas. I want to thank Justice Robert T. Price, Chairman of the Judicial Council, for remembering his old law school classmate and for giving me this opportunity to direct attention of the lawyers of Kansas to a problem which I believe deserves their consideration.

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\* Excellent discussion on law office management may be found in: *Law Office Organization*, Reginald Heber Smith, American Bar Association, 50¢; *Law Office Management*, 3d edition, Dwight G. McCarthy, Prentice-Hall, Inc., 1955; *A Law Office System—a very practical system of accounts, files and time records*, Arch M. Cantrall, Clarksburg, West Virginia, published in *The Practical Lawyer*, Vol. 1; *Personal and Business Conduct in the Practice of Law*, Francis Price, 1952, American Law Institute, Philadelphia.

## Comments on the Supreme Court Reporter's Office

By WILLIAM A. DUMARS  
Reporter of the Supreme Court

The office of Reporter of the Supreme Court may well be thought of by the layman as a misnomer and with justification, since the functions and duties of the office have not the remotest similarity to those of a court reporter for a district court, a standard for comparison by most people.

It may be said without fear of contradiction that people generally think of a court reporter as one who takes down in shorthand the testimony of the witnesses at a trial, and then at some later date transcribes his hieroglyphic marks into understandable words.

Since nearly everyone some time in his life has been present at a trial, it may be that this general belief is predicated upon the observations of the reporter at work. However, such observations only go to the identity of the word "reporter" and cannot be considered as tantamount to the duties and functions of the Supreme Court Reporter.

While the constitution and statutes of Kansas do not require that one be an attorney to hold the office, yet for the last fifty years or more it has been the unwritten policy and custom that the reporter be an attorney, and his present assistant is an attorney, as were his last three predecessors. However, it may be said that the work required of anyone who holds either of these offices makes it necessary that both be attorneys.

The office of the Supreme Court Reporter is a constitutional one (Art. 3, sec. 4), and his duties and functions are both statutory (G. S. 1949, 20-201 *et seq.*) and those prescribed by the Supreme Court.

The primary function of the office is set out in G. S. 1949, 20-204, as follows:

"The reporter shall faithfully and truly prepare all such decisions for publication. . . ."

It is, however, the general duties of the office that go toward accomplishing this primary function that I wish to discuss.

Much of the work of the reporter is highly confidential. After a case has been written, and prior to decision date, the reporter is furnished a copy of the opinion. He and his staff check this copy for formal and clerical errors in citations, quotations and text.

When checking for formal and clerical errors in citations, all opinions to be handed down are processed by examining the official running title of the cited case to determine if the title used in the opinion is the same as that found in the various state reports. At the same time, the citations as to the page numbers of the official reports and those of West Publishing Company, as found in the Reporter System, are also checked. Also, reference is made to determine if the cited opinion has a bearing upon the subject under discussion.

When the Kansas Statutes or the Session Laws are cited by the court, they are checked for correctness of citation and also to determine whether or not

they have been repealed. All general statutes and supplements thereto are cited uniformly (e. g., G. S. 1949, 2-101, or G. S. 1953 Supp. 2-129).

All quotations from statutes, case law, and the record of the cases are checked word for word with the original. Strict adherence is made to the rule that no correction, regardless of its degree of importance, will be made in the opinion without first obtaining the consent of its author.

In processing opinions, probably the first order of business is to examine the title of the case and give it an official running title. This official title found at the top of the page of the Kansas Reports is to be used in future citations of the case.

The syllabus by the court is read and analyzed to determine the point or points of law contained therein. Having determined the points involved in the case, "catchwords" descriptive of such legal points are placed by the reporter ahead of the syllabus.

The placing of these "catchwords" or descriptive headings is probably one of the most important functions of the reporter, at least so far as the lawyers and those who prepare the digest are concerned.

In providing these descriptive words to the syllabus the reporter must ask himself—"under what topic would the digest likely carry this point of law?" or "where would the lawyer look for the point of law?" The correctness of the topic given becomes important as to where points of law will later be found, since quite often the topic given by the reporter is later used and followed in the digest. For example, an opinion contains two syllabi and the first one deals with appellate review, so it is placed under topic "Appeal and Error" and then given a subheading or two, such as "Motion for New Trial" and "Scope of Review." The next syllabus, for example, concerns the subject of "Automobiles" and the application of the "Guest Statute." The reporter, to be on the safe side, might well place the law involved under both topics of "Automobiles" and "Negligence." These various topics or headings later find their way into the subject index where points of law may be found under several headings depending upon the multiplicity of points of law involved, such as "Criminal Law," "Habeas Corpus" and "Constitutional Law." However, nearly always a point of law will be found in the index under the same topic or topics that have been given to the descriptive catchwords preceding the syllabus.

The subject index or the digest-index, as it is referred to in the office, is written by the reporter in the form and style of a digest. By that I mean most points of law are covered by a very terse and concise statement. However, other points require a factual picture and therefore take the form of a head-note. The digest-index is found in the back of the volume of each report and it serves a twofold purpose.

First, a check may be made by the lawyer to see if any law has been written and reported in a particular volume on any given subject such as "Automobiles," "Contracts," "Negligence," "Trial" or "Workmen's Compensation." If, by any chance, cases have been reported on the subject he may read the prepared statements written on the subject to see if there is anything reported on the question of law in which he is interested.

Each volume of the Kansas Reports contains an average of 120 cases and the reporter must, as the statute provides, write a brief statement of the law for each case. In fact, a concise statement is prepared for each and every decision

covering all legal points contained in the syllabus, as well as those points of law not mentioned in the syllabus but found in the body of the opinion. For illustration, let us suppose the syllabus of an opinion concerns the subject of special legislation. The reporter's statement of the law prepared for the digest-index and found under the subject or topic "Statutes" might read like this:

"Legislation relating to soil conservation districts and applicable only to three counties was special legislation and unconstitutional."

Or, perhaps the opinion deals with several subjects relative to child custody arising out of a divorce action, and the points of law covered might read as follows:

"In awarding custody of child, trial court's judgment must be so unreasonable as to constitute an abuse of discretion, otherwise it will not be disturbed on appeal."

"Change of custody rests in the sound discretion of the trial court."

Usually, each volume of the Reports will contain approximately fifty pages of digest-index, and a minimum of 650 such statements prepared by the reporter on the points of law covered in the reported opinions. When one considers that approximately two and one-half volumes are published each year, it means that approximately 1,625 such statements of the law are annually prepared for the digests.

Also found in the permanent volume of the reports is a subject "Words and Phrases" which provides a quick reference to definitions and use of legal terms and maxims.

Before leaving this subject, it might be interesting to point out a special feature of the digest-index denominated "Statutes Cited, Construed or Applied." This may be very useful to the lawyer doing research in that it provides a means of quick reference to the opinion in which a particular statute has been construed. These functions are all performed prior to decision day.

After the opinions have become law and filed by the court in the office of the Clerk of the Supreme Court they are, along with a table of cases and a subject index, taken immediately to the state printer for printing, where they are printed first on galley sheets and returned to the reporter for proofing against the original manuscripts. After corrections have been entered upon the galleys, they are returned to the state printer and are made up for the printing of Advance Sheets of the Kansas Reports. These Advance Sheets are sent to the Kansas State Library and then to subscribers. The reporter's staff reads the Advance Sheets, checking again the materials contained therein. When the Advance Sheets reach the number of pages required by law (a minimum of 750 pages), all opinions, table of cases and subject index are made ready for the permanent volume of the Kansas Reports to be sent to the state printer for publication. Also, at this time certain informative material is assembled to be printed in the front part of the volume for the use and benefit of the bench and bar.

Nothing much would be gained nor any purpose served to comment on each section of the informative or prefatory material contained in this part of the

volume. However, I believe it will suffice to just list some of the most important ones. They are as follows:

1. List of Kansas cases Overruled by the Kansas Supreme Court.
2. List of Kansas cases Reversed or Modified by the Supreme Court of the United States.
3. Table of Cases.
4. Formal note.
5. Periodical printing of Rules of the Supreme Court, Canons of Professional Ethics, and Canons of Judicial Ethics.
6. List of district judges and district court reporters and other officers associated with the state and federal judiciary.
7. Table of prefatory material.
8. Memorials.
9. Other information of interest to the bar.

I might add that all material necessary for the publication of the bound volume is assembled and sent to the state printer within forty days from the publication of the last Advance Sheets that complete the volume. From then on, the publication and delivery to the State Library is in the hands of the state printer. After publication and delivery of a permanent volume of the Kansas Reports, the reporter copyrights the volume for the use and benefit of the State of Kansas, as required by G. S. 1949, 20-206, and causes the copyright certificate to be filed in the office of the Secretary of State.

Inasmuch as the opinions of the court are meticulously prepared so as to reflect the views of this and other courts of the land, and when published become a permanent source of information for posterity, the work of the office of Supreme Court Reporter becomes highly important in seeing that his duties and functions are carefully carried out and that the volume is as letter-perfect as possible.

## MOTION DAYS IN DISTRICT COURTS—1956

(Please see notes on page 74.)

| County                                                | County seat           | Judge                            | Clerk                    | No.<br>Jud.<br>Dist. | Jan.                     | Feb.                | Mar.                     | Apr.                | May                 | June                     | Sept.               | Oct.                      | Nov.                     | Dec.                |
|-------------------------------------------------------|-----------------------|----------------------------------|--------------------------|----------------------|--------------------------|---------------------|--------------------------|---------------------|---------------------|--------------------------|---------------------|---------------------------|--------------------------|---------------------|
| Allen.....<br>(See note 2)                            | Iola.....             | Spencer A. Gard.....             | Mrs. Ina F. West.....    | 37                   | 10<br>30                 | 13                  | 5<br>19                  | 2<br>16             | 1<br>21             | 11                       | 10<br>15            | 2<br>15                   | 5<br>26                  | 17                  |
| Anderson (See note 3)...                              | Garnett.....          | Floyd H. Coffman.....            | Mrs. Nell R. Graves..... | 4                    | 6                        | 3                   | 5                        | 6                   | 4                   | 11                       | 7                   | 8                         | 2                        | 7                   |
| Atchison.....                                         | Atchison.....         | Lawrence F. Day.....             | Hal Waisner.....         | 2                    | 4<br>11<br>18<br>25      | 1<br>8<br>15<br>22  | 7<br>14<br>21<br>28      | 4<br>11<br>18<br>25 | 2<br>9<br>16<br>23  | 6<br>13<br>20<br>27      | 5<br>12<br>19<br>26 | 3<br>10<br>17<br>24<br>31 | 7<br>14<br>21<br>28      | 5<br>12<br>19<br>26 |
| Barber (See note 4).....                              | Medicine Lodge.....   | Clark A. Wallace.....            | Mrs. Edith Myers.....    | 24                   | 4                        | 13                  | 9                        | 23                  | 10                  | 14                       | 7                   | 22                        | 8                        | 6                   |
| Barton (See note 5).....                              | Great Bend.....       | Roy J. McMullen.....             | Geneva Stencamp.....     | 20                   | 4                        | 1                   | 6                        | 4                   | 2                   | 5                        | 5                   | 3                         | 5                        | 5                   |
| Bourbon.....                                          | Fort Scott.....       | Harry W. Fisher.....             | Amy Armstrong.....       | 6                    | 2<br>6<br>13<br>20<br>27 | 3<br>10<br>17<br>24 | 2<br>9<br>16<br>23<br>30 | 6<br>13<br>20<br>27 | 4<br>11<br>18<br>25 | 1<br>8<br>15<br>22<br>29 | 7<br>14<br>21<br>28 | 5<br>12<br>19<br>26<br>31 | 2<br>9<br>16<br>23<br>30 | 7<br>14<br>21<br>28 |
| Brown.....                                            | Hiawatha.....         | John L. Gernon.....              | Mrs. Edna Boicourt.....  | 22                   | 17                       | 21                  | 20                       | 17                  | 22                  | 4                        | 18                  | 16                        | 20                       | 18                  |
| Butler.....<br>Div. No. 1.....<br>Div. No. 2.....     | El Dorado.....        | George Reynolds<br>W. N. Calkins | Harry R. Martin.....     | 13                   | 11                       | 1                   | 5                        | 4                   | 2                   | 11                       | 5                   | 10                        | 12                       | 5                   |
| Chase.....                                            | Cottonwood Falls..... | Jay Sullivan.....                | Mrs. Mildred Speer.....  | 5                    | 27                       | 24                  | 30                       | 27                  | 25                  | 29                       | 28                  | 26                        | 30                       | 28                  |
| Chautauqua.....<br>Div. No. 1.....<br>Div. No. 2..... | Sedan.....            | George Reynolds<br>W. N. Calkins | Cleopha Call.....        | 13                   | 19                       | 3                   | 1                        | 2                   | 10                  | 7                        | 4                   | 4                         | 6                        | 3                   |

## MOTION DAYS IN DISTRICT COURTS—1956—CONTINUED

(Please see notes on page 74.)

| County                      | County seat      | Judge                    | Clerk                     | No.<br>Jud.<br>Dist. | Jan. | Feb. | Mar. | Apr. | May | June | Sept. | Oct. | Nov. | Dec. |
|-----------------------------|------------------|--------------------------|---------------------------|----------------------|------|------|------|------|-----|------|-------|------|------|------|
| Cherokee.....               |                  |                          |                           |                      |      |      |      |      |     |      |       |      |      |      |
| Columbus Div.....           | Columbus.....    | Jerome Harmon.....       | Nina Coldiron.....        | 11                   | 3    | 7    | 6    | 3    | 8   | 5    | 4     | 2    | 6    | 4    |
| Galena Div.....             |                  |                          |                           |                      | 4    | 1    | 7    | 4    | 2   | 6    | 5     | 3    | 21   | 5    |
| Cheyenne.....               | St. Francis..... | Robert W. Hemphill.....  | Charles N. Roberts.....   | 17                   | 21   | 18   | 9    | 2    | 28  | 13   | 15    | 4    | 9    | 3    |
|                             |                  |                          |                           |                      |      |      |      |      |     |      |       |      |      | 15   |
| Clark.....                  | Ashland.....     | Ernest Vieux.....        | Mrs. Hope Grimes.....     | 31                   | 5a   | 9a   | 8a   | 5a   | 10a | 7a   | 6a    | 4a   | 8a   | 6a   |
| Clay.....                   | Clay Center..... | Lewis L. McLaughlin..... | Hazel K. Chestnut.....    | 21                   | 5    | 1    | 5    | 4    | 2   | 4    | 6     | 3    | 5    | 3    |
| Cloud.....                  | Concordia.....   | Marvin O. Brummett.....  | Mrs. Hazel Champlin.....  | 12                   | 2    | 7    | 7    | 2    | 9   | 6    | 24    | 17   | 21   | 14   |
| Coffey.....                 | Burlington.....  | Jay Sullivan.....        | Mildred Preston.....      | 5                    | 30   | 27   | 26   | 30   | 28  | 25   | 24    | 29   | 26   | 31   |
| Comanche.....               | Coldwater.....   | Ernest M. Vieux.....     | Mary Guyer.....           | 31                   | 4a   | 8a   | 7a   | 4a   | 9a  | 6a   | 5a    | 3a   | 7a   | 5a   |
| Cowley.....                 | Winfield.....    | Doyle E. White.....      | Mrs. Sallie K. Smith..... | 19                   | 6    | 3    | 2    | 6    | 4   | 1    | 7     | 5    | 2    | 7    |
|                             |                  |                          |                           |                      | 20   | 17   | 16   | 20   | 18  | 15   | 21    | 19   | 16   | 21   |
| Crawford.....               |                  |                          |                           |                      |      |      |      |      |     |      |       |      |      |      |
| Girard Div.....             | Girard.....      | L. M. Resler.....        | Josephine Cattaneo.....   | 38                   | 9    | 10   | 9    | 2    | 4   | 1    | 7     | 1    | 2    | 7    |
| Pittsburg Div.....          |                  |                          |                           |                      | 16   | 20   | 5    | 20   | 7   | 4    | 4     | 8    | 19   | 3    |
| Decatur.....                | Oberlin.....     | Robert W. Hemphill.....  | Mrs. Alice J. Vernon..... | 17                   | 19   | 16   | 7    | 10   | 14  | 7    | 13    | 2    | 20   | 13   |
|                             |                  |                          |                           |                      |      | 27   |      |      |     |      |       |      |      |      |
| Dickinson (See note 7)..... | Abilene.....     | James P. Coleman.....    | Seth Barter, Jr.....      | 8                    | 9    | 2    | 1    | 5    | 21  | 9    | 10    | 5    | 7    | 4    |
| Doniphan.....               | Troy.....        | John L. Gernon.....      | Virgil W. Begesse.....    | 22                   | 18   | 22   | 21   | 18   | 23  | 5    | 19    | 17   | 21   | 19   |
| Douglas.....                | Lawrence.....    | Frank R. Gray.....       | Mrs. Lucille Allison..... | 41                   | 6    | 6    | 2    | 6    | 7   | 1    | 7     | 5    | 5    | 7    |
| Edwards.....                | Kinsley.....     | Lorin T. Peters.....     | John Stoner.....          | 33                   | 4e   | 13e  | 7e   | 4e   | 7e  | 6e   | 5e    | 29e  | 7e   | 5e   |
|                             |                  |                          |                           |                      |      | 3e   |      |      | 2e  |      |       | 3e   |      |      |



## MOTION DAYS IN DISTRICT COURTS—1956—CONTINUED

(Please see notes on page 74)

| County                                  | County seat   | Judge                            | Clerk                    | No.<br>Jud.<br>Dist. | Jan.                    | Feb.                    | Mar.                   | Apr.                    | May                     | June                    | Sept.                   | Oct.                    | Nov.                   | Dec.             |
|-----------------------------------------|---------------|----------------------------------|--------------------------|----------------------|-------------------------|-------------------------|------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|------------------------|------------------|
| Elk.<br>Div. No. 1.<br>Div. No. 2.      | Howard        | George Reynolds<br>W. N. Calkins | Mrs. Floy B. Magers..... | 13                   | 2                       | 2                       | 6                      | 6                       | 7                       | 1                       | 17                      | 5                       | 1                      | 6                |
| Ellis (See note 13)                     | Hays          | Benedict P. Cruise               | Walter J. Staab.....     | 23                   | 16                      | 6                       | 12                     | 9                       | 21                      | 11                      | 11                      | 15                      | 13                     | 10               |
| Ellsworth                               | Ellsworth     | A. R. Buzick                     | Harold E. Grant.....     | 30                   | 23                      | 17                      | 28                     | 23                      | 28                      | 12                      | 4                       | 8                       | 27                     | 29               |
| Finney                                  | Garden City   | Roland H. Tate                   | G. Mao Purdy.....        | 32                   | 9                       | 3a                      | 3a                     | 6a                      | 14                      | 1a                      | 17                      | 6a                      | 3a                     | 7a               |
| Ford                                    | Dodge City    | Ernest Vieux                     | Elta J. Riley.....       | 31                   | 6a<br>13a<br>20a<br>27a | 3a<br>10a<br>17a<br>24a | 2a<br>9a<br>16a<br>23a | 6a<br>13a<br>20a<br>27a | 4a<br>11a<br>18a<br>25a | 8a<br>15a<br>22a<br>29a | 7a<br>14a<br>21a<br>28a | 5a<br>12a<br>20a<br>28a | 2a<br>9a<br>16a<br>23a | 7a<br>14a<br>21a |
| Franklin (See note 3)                   | Ottawa        | Floyd H. Coffman                 | Christina Woke.....      | 4                    | 2                       | 1                       | 7                      | 2                       | 2                       | 6                       | 10                      | 3                       | 7                      | 5                |
| Geary (See note 7)                      | Junction City | James P. Coleman                 | Frank C. Woodward.....   | 8                    | 7                       | 4                       | 5                      | 7                       | 5                       | 4                       | 15                      | 6                       | 12                     | 1                |
| Gove (See note 13)                      | Gove          | Benedict P. Cruise               | Mrs. Louise Brown.....   | 23                   | 18                      | 21                      | 19                     | 12                      | 17                      | 18                      | 14                      | 11                      | 19                     | 13               |
| Graham                                  | Hill City     | C. E. Birney                     | Louise Lee.....          | 34                   | 5                       | 6                       | 14                     | 18                      | 14                      | 6                       | 17                      | 10                      | 13                     | 13               |
| Grant                                   | Ulysses       | L. L. Morgan                     | Mrs. Juanita Barber..... | 39                   | 4d                      | 6a                      | 5a                     | 9a                      | 2d                      | 4d                      | 8a                      | 1d                      | 5d                     | 3a               |
| Gray                                    | Cimarron      | Ernest Vieux                     | Carrie Borland.....      | 31                   | 3a                      | 7a                      | 6a                     | 3a                      | 8a                      | 5a                      | 4a                      | 2a                      | 6a                     | 4a               |
| Greeley                                 | Tribune       | Roland H. Tate                   | Laura M. Holmes.....     | 32                   | 4a                      | 13                      | 1a                     | 3a                      | 1a                      | 5a                      | 12a                     | 15                      | 1a                     | 4a               |
| Greenwood<br>Div. No. 1.<br>Div. No. 2. | Eureka        | George Reynolds<br>W. N. Calkins | Alma Long.....           | 13                   | 16                      | 10                      | 6                      | 5                       | 21                      | 8                       | 6                       | 8                       | 2                      | 7                |
| Hamilton                                | Syracuse      | Roland H. Tate                   | Amelia J. Minor.....     | 32                   | 6a                      | 20                      | 1d                     | 3d                      | 3a                      | 7a                      | 14a                     | 8                       | 1d                     | 4d               |
| Harper                                  | Anthony       | Clark A. Wallace                 | Helen Pearl.....         | 24                   | 9                       | 8                       | 8                      | 9                       | 9                       | 18                      | 6                       | 8                       | 7                      | 5                |

## MOTION DAYS IN DISTRICT COURTS—1956—CONTINUED

(Please see notes on page 74.)

| County                                                           | County seat      | Judge                                                  | Clerk                     | No.<br>Jud.<br>Dist. | Jan.          | Feb.          | Mar.          | Apr.          | May          | June          | Sept.         | Oct.          | Nov.          | Dec.          |
|------------------------------------------------------------------|------------------|--------------------------------------------------------|---------------------------|----------------------|---------------|---------------|---------------|---------------|--------------|---------------|---------------|---------------|---------------|---------------|
| Harvey (See note 8).....                                         | Newton.....      | Alfred G. Schroeder.....                               | Mrs. Mabel A. McMullen..  | 9                    | 5<br>12<br>26 | 9<br>13<br>23 | 9<br>23<br>23 | 6<br>20<br>25 | 4<br>8<br>25 | 8<br>22<br>25 | 7<br>21<br>21 | 5<br>19<br>19 | 2<br>13<br>13 | 7<br>21<br>21 |
| Haskell.....                                                     | Sublette.....    | L. L. Morgan.....                                      | Mrs. Evelyn Yount.....    | 39                   | 4a            | 6d            | 12a           | 3a            | 2a           | 4a            | 17a           | 1a            | 5a            | 10a           |
| Hodgeman.....                                                    | Jetmore.....     | Lorin T. Peters.....                                   | Jane Hoagland.....        | 33                   | 4d            | 27d<br>8d     | 7d            | 4d            | 27d<br>2d    | 6d            | 5d            | 3d            | 12d<br>7d     | 5d            |
| Jackson.....                                                     | Holton.....      | Robert H. Kaul.....                                    | Mrs. Florence Clements... | 35                   | 9             | 8             | 7             | 4             | 7            | 6             | 5             | 1             | 7             | 5             |
| Jefferson.....                                                   | Oskaloosa.....   | Robert H. Kaul.....                                    | Mrs. Myrtle Kimmel.....   | 35                   | 13            | 10            | 5             | 6             | 11           | 4             | 7             | 5             | 5             | 7             |
| Jewell.....                                                      | Mankato.....     | Donald J. Magaw.....                                   | Iris Cosand.....          | 15                   | 12            | 9             | 5             | 19            | 10           | 4             | 20            | 12            | 12            | 5             |
| Johnson<br>Div. No. 1.....<br>Div. No. 2.....<br>Div. No. 3..... | Olathe.....      | Earl E. O'Connor<br>Clayton Brenner<br>Raymond H. Carr | Mrs. Betty West.....      | 10                   | 3             | 6             | 5             | 2             | 7            | 18            | 4             | 8             | 5             | 3             |
| Kearny.....                                                      | Lakin.....       | Roland H. Tate.....                                    | Bertha Adams.....         | 32                   | 6d            | 1d            | 12            | 5a            | 3d           | 7d            | 14d           | 4d            | 12            | 6a            |
| Kingman.....                                                     | Kingman.....     | Clark A. Wallace.....                                  | Mrs. Nell H. Walter.....  | 24                   | 6             | 10            | 22            | 6             | 11           | 4             | 24            | 5             | 9             | 10            |
| Kiowa.....                                                       | Greensburg.....  | Ernest M. Vieux.....                                   | Elunice E. Rich.....      | 31                   | 4d            | 8d            | 7d            | 4d            | 9d           | 5d            | 5d            | 3d            | 7d            | 5d            |
| Labette.....                                                     | Oswego.....      | Hal Hyler.....                                         | H. L. Lane.....           | 16                   | 6             | .....         | 2             | .....         | 4            | 8             | 7             | .....         | 2             | 7             |
| Osawego Div.....                                                 | Osawego Div..... | .....                                                  | .....                     | 20                   | 30            | 24            | 30            | 27            | 25           | 22            | 21            | 26            | 30            | 21            |
| Parsons Div.....                                                 | Parsons Div..... | .....                                                  | .....                     | 9                    | 27            | 27            | 26            | 2             | 28           | 11            | 10            | 29            | 19            | 10            |
| Lane.....                                                        | Dighton.....     | Roland Tate.....                                       | Mrs. Eva Cramer.....      | 32                   | 5a            | 2a            | 19            | 4a            | 2a           | 6a            | 13a           | 5a            | 19            | 5a            |
| Leavenworth.....                                                 | Leavenworth..... | Joseph J. Dawes.....                                   | Dorothy Harrison.....     | 1                    | 6             | 3             | 2             | 6             | 4            | 1             | 7             | 5             | 2             | 7             |

## MOTION DAYS IN DISTRICT COURTS—1956—CONTINUED

(Please see notes on page 74)

| County                                                           | County seat          | Judge                    | Clerk                      | No.<br>Jud.<br>Dist. | Jan.     | Feb.     | Mar.     | Apr.    | May     | June    | Sept.   | Oct.    | Nov.     | Dec.    |
|------------------------------------------------------------------|----------------------|--------------------------|----------------------------|----------------------|----------|----------|----------|---------|---------|---------|---------|---------|----------|---------|
| Lincoln.....                                                     | Lincoln.....         | A. R. Buzick.....        | Roy Livingood.....         | 30                   | 4        | 20       | 31       | 20      | 14      | 13      | 5       | 4       | 12       | 31      |
| Linn.....<br>(See note 6)                                        | Mound City.....      | Harry W. Fisher.....     | Will H. Bayless.....       | 6                    | 12<br>26 | 9<br>23  | 8<br>22  | 2<br>19 | 3<br>17 | 7<br>21 | 6<br>20 | 4<br>18 | 1<br>15  | 8<br>20 |
| Logan (See note 13).....                                         | Russell Springs..... | Benedict Cruise.....     | Mrs. Ada F. Rogge.....     | 23                   | 19       | 22       | 15       | 2       | 18      | 14      | 4       | 12      | 16       | 3       |
| Lyon.....                                                        | Emporia.....         | Jay Sullivan.....        | Cleadora Held.....         | 5                    | 25       | 29       | 28       | 25      | 31      | 27      | 26      | 31      | 28       | 26      |
| Marion.....                                                      | Marion.....          | James P. Coleman.....    | C. J. Ross.....            | 8                    | 12       | 6        | 2        | 6       | 7       | 8       | 14      | 1       | 8        | 5       |
| Marshall.....                                                    | Marystville.....     | Lewis L. McLaughlin..... | W. J. Koppes.....          | 21                   | 6        | 6        | 9        | 6       | 7       | 8       | 7       | 1       | 9        | 7       |
| McPherson.....<br>(See note 8)                                   | McPherson.....       | Alfred Schroeder.....    | Donald S. Clark.....       | 9                    | 6<br>27  | 10<br>24 | 10<br>24 | 3<br>21 | 5<br>26 | 9<br>23 | 8<br>22 | 8<br>20 | 3<br>17  | 8<br>22 |
| Meade.....                                                       | Meade.....           | Ernest M. Vieux.....     | Nell Bradley.....          | 31                   | 2d       | 6d       | 5d       | 2d      | 7d      | 4d      | 3d      | 1d      | 5d       | 3d      |
| Miami.....                                                       | Paola.....           | Harry W. Fisher.....     | Mrs. Ethel J. Hunt.....    | 6                    | 10<br>24 | 6<br>21  | 6<br>20  | 3<br>17 | 1<br>15 | 4<br>19 | 4<br>18 | 1<br>16 | 13<br>27 | 4<br>18 |
| Mitchell.....                                                    | Beloit.....          | Donald J. Magaw.....     | Ida B. Jamison.....        | 15                   | 9        | 10       | 8        | 16      | 11      | 7       | 24      | 19      | 15       | 6       |
| Montgomery.....<br>Independence Div.....<br>Coffeyville Div..... | Independence.....    | Warren B. Grant.....     | M. D. Smith.....           | 14                   | 7<br>6   | 4<br>3   | 3<br>2   | 7<br>6  | 5<br>4  | 2<br>1  | 1<br>7  | 6<br>5  | 3<br>2   | 1<br>7  |
| Morris (See note 7).....                                         | Council Grove.....   | James P. Coleman.....    | Mrs. Virginia Scholes..... | 8                    | 13       | 3        | 6        | 2       | 4       | 18      | 13      | 4       | 9        | 3       |
| Morton.....                                                      | Richfield.....       | L. L. Morgan.....        | Mrs. Irene Kuder.....      | 39                   | 3d       | 13a      | 6a       | 2a      | 1d      | 5d      | 4a      | 2d      | 6d       | 11a     |
| Nemaha.....                                                      | Seneca.....          | John L. Gernon.....      | Ruth Shaffer.....          | 22                   | 16       | 20       | 19       | 16      | 21      | 1       | 17      | 15      | 19       | 17      |

## MOTION DAYS IN DISTRICT COURTS—1956—CONTINUED

(Please see notes on page 74)

| County                           | County seat  | Judge              | Clerk                | No.<br>Jud.<br>Dist. | Jan.                | Feb.                | Mar.                     | Apr.                | May                 | June                     | Sept.               | Oct.                | Nov.                     | Dec.                      |
|----------------------------------|--------------|--------------------|----------------------|----------------------|---------------------|---------------------|--------------------------|---------------------|---------------------|--------------------------|---------------------|---------------------|--------------------------|---------------------------|
| Neosho Erie Div.<br>Chautau Div. | Erie         | B. M. Dunham       | Manie E. Hayes       | 7                    | 11<br>10            | 8<br>7              | 14<br>6                  | 11<br>10            | 9<br>1              | 13<br>5                  | 12<br>11            | 3<br>10             | 14<br>6                  | 12<br>4                   |
| Ness                             | Ness City    | Lorin T. Peters    | Dorothy Stecklein    | 33                   | 5e<br>.....         | 9e<br>.....         | 12e<br>8e                | 5e<br>.....         | 3e<br>.....         | 7e<br>.....              | 10e<br>6e           | 4e<br>.....         | 8e<br>.....              | 10e<br>6e                 |
| Norton<br>(See note 9)           | Norton       | Robert W. Hemphill | Arthur V. Poage      | 17                   | 2<br>9<br>18        | 15<br>.....         | 10<br>.....              | 16<br>.....         | 18<br>.....         | 8<br>.....               | 3<br>12             | 5<br>.....          | 21<br>.....              | 12<br>.....               |
| Osage                            | Lyndon       | A. K. Stavely      | Mrs. Shirley Hull    | 35                   | 6<br>.....          | 3<br>.....          | 13<br>.....              | 6<br>.....          | 4<br>.....          | 12<br>.....              | 7<br>.....          | 5<br>.....          | 13<br>.....              | 7<br>.....                |
| Osborne                          | Osborne      | Donald J. Magaw    | Elma McColl          | 15                   | 13<br>.....         | 6<br>.....          | 9<br>.....               | 20<br>.....         | 7<br>.....          | 8<br>.....               | 21<br>.....         | 15<br>.....         | 16<br>.....              | 7<br>.....                |
| Ottawa                           | Minneapolis  | A. R. Buzick       | Cora F. Siebenaler   | 30                   | 9<br>.....          | 2<br>.....          | 29<br>.....              | 9<br>.....          | 8<br>.....          | 11<br>.....              | 3<br>.....          | 22<br>.....         | 26<br>.....              | 28<br>.....               |
| Pawnee                           | Larned       | Lorin T. Peters    | Mrs. Eulah Almqvist  | 33                   | 23d<br>3d           | 7d<br>.....         | 6d<br>.....              | 9d<br>3d            | 1d<br>.....         | 5d<br>.....              | 4d<br>.....         | 8d<br>2d            | 6d<br>.....              | 4d<br>.....               |
| Phillips                         | Phillipsburg | Robert W. Hemphill | Gene Britt           | 17                   | 17<br>.....         | 6<br>14             | 6<br>.....               | 13<br>.....         | 7<br>.....          | 6<br>.....               | 11<br>17            | 18<br>.....         | 22<br>.....              | 11<br>.....               |
| Pottawatomie                     | Westmoreland | Robert H. Kaul     | Deane L. Arnold      | 36                   | 12<br>.....         | 9<br>.....          | 8<br>.....               | 3<br>.....          | 10<br>.....         | 7<br>.....               | 4<br>.....          | 4<br>.....          | 8<br>.....               | 4<br>.....                |
| Pratt                            | Pratt        | Clark A. Wallace   | Verna J. Barber      | 24                   | 5<br>.....          | 9<br>.....          | 12<br>.....              | 5<br>.....          | 21<br>.....         | 15<br>.....              | 10<br>.....         | 4<br>.....          | 12<br>.....              | 7<br>.....                |
| Ravalli                          | Atwood       | Robert W. Hemphill | Mrs. Louise Portschy | 17                   | 20<br>.....         | 17<br>.....         | 8<br>19                  | 11<br>.....         | 21<br>.....         | 12<br>.....              | 14<br>.....         | 3<br>.....          | 8<br>12                  | 14<br>.....               |
| Reno                             | Hutchinson   | John F. Fontron    | Glean R. Williams    | 40                   | 6<br>13<br>20<br>27 | 3<br>10<br>17<br>24 | 2<br>9<br>16<br>23<br>30 | 6<br>13<br>20<br>27 | 4<br>11<br>18<br>25 | 1<br>8<br>15<br>22<br>29 | 7<br>14<br>21<br>28 | 5<br>12<br>19<br>26 | 2<br>9<br>16<br>23<br>30 | 7<br>14<br>21<br>28<br>30 |
| Republic                         | Belleville   | Marvin O. Brummett | Warren A. Scott      | 12                   | 3<br>.....          | 6<br>.....          | 6<br>.....               | 3<br>.....          | 7<br>.....          | 5<br>.....               | 25<br>.....         | 15<br>.....         | 20<br>.....              | 13<br>.....               |

## MOTION DAYS IN DISTRICT COURTS—1956—CONTINUED

(Please see notes on page 74)

| County                | County seat | Judge                                                                                                         | Clerk               | No.<br>Jud.<br>Dist. | Jan.     | Feb. | Mar.      | Apr. | May | June | Sept.     | Oct. | Nov. | Dec. |
|-----------------------|-------------|---------------------------------------------------------------------------------------------------------------|---------------------|----------------------|----------|------|-----------|------|-----|------|-----------|------|------|------|
| Rice (See note 5)     | Lyons       | Roy J. McMullen                                                                                               | Laura Saint         | 20                   | 3        | 6    | 5         | 3    | 7   | 4    | 4         | 1    | 8    | 3    |
| Riley (See note 10)   | Manhattan   | Lewis L. McLaughlin                                                                                           | Joseph F. Musil     | 21                   | 3        | 3    | 2         | 2    | 4   | 1    | 4         | 5    | 2    | 5    |
| Rooks                 | Stockton    | C. E. Birney                                                                                                  | Irma Renner         | 34                   | 9        | 15   | 15        | 19   | 7   | 7    | 4         | 11   | 14   | 14   |
| Rush                  | La Crosse   | Lorin T. Peters                                                                                               | Esta Manahan        | 33                   | 9e<br>3e | 7e   | 20e<br>6e | 3e   | 1e  | 5e   | 2/e<br>4e | 2e   | 6e   | 4e   |
| Russell (See note 13) | Russell     | Benedict P. Cruise                                                                                            | George W. Brandt    | 23                   | 2        | 2    | 13        | 10   | 7   | 12   | 12        | 1    | 14   | 11   |
| Saline                | Salina      | A. R. Buzick                                                                                                  | Mrs. Winifred Groth | 30                   | 3        | 6    | 12        | 6    | 7   | 14   | 10        | 5    | 28   | 3    |
| Scott                 | Scott City  | Roland H. Tate                                                                                                | Nellie Scheuerman   | 32                   | 5d       | 2d   | 2d        | 9    | 2d  | 6d   | 13d       | 5d   | 2d   | 10   |
| Sedgewick             | Wichita     | William C. Kandt<br>Howard C. Kline<br>B. Mack Bryant<br>George Austin Brown<br>Henry Martz<br>E. E. Satigast | L. D. Leland        | 18                   |          |      |           |      |     |      |           |      |      |      |

All motions in civil cases, except divorce, are heard on the second Monday morning following the filing thereof. These motions are assigned to the various divisions of court by the Assignment Judge who mails notices of hearings to attorneys of record in advance.

All motions in divorce cases, including contempt and custody, are heard at 2:00 P. M. on the second Monday afternoon following the filing thereof, at which time they are called by the Assignment Judge and assigned to the various divisions of court for immediate hearing.

All motions in criminal cases are heard by the Judge in charge of the Criminal Court, by arrangement with him. The Criminal Court rotates among the various divisions from term to term.

## MOTION DAYS IN DISTRICT COURTS—1956—CONTINUED

(Please see notes on page 74)

| County                       | County seat         | Judge                   | Clerk                          | No.<br>Jud.<br>Dist. | Jan. | Feb. | Mar. | Apr. | May | June | Sept. | Oct. | Nov. | Dec. |
|------------------------------|---------------------|-------------------------|--------------------------------|----------------------|------|------|------|------|-----|------|-------|------|------|------|
| Seward.....                  | Liberal.....        | L. L. Morgan.....       | Mrs. Mary Lindley.....         | 39                   | 9a   | 10a  | 9a   | 16a  | 4a  | 8a   | 1a    | 8a   | 9a   | 14a  |
| Shawnee.....                 | Topoka.....         | Beryl R. Johnson.....   | Mrs. Lucile Carter.....        | 3                    | 6    | 17   | 9    | 20   | 11  | 1    | 14    | 5    | 16   | 7    |
| Div. No. 1.....              |                     | Paul H. Heinz.....      |                                | 27                   | 13   | 3    | 16   | 6    | 18  | 22   | 26    | 12   | 28   | 28   |
| Div. No. 2.....              |                     | Dean McElhenny.....     |                                | 24                   | 20   | 10   | 2    | 27   | 4   | 8    | 21    | 2    | 14   | 14   |
| Div. No. 3.....              |                     |                         |                                | 20                   | 10   | 23   | 13   | 13   | 25  | 15   | 7     | 19   | 9    | 21   |
| (See note 11)                |                     |                         |                                |                      |      |      |      |      |     |      | 28    | 30   |      |      |
| Sheridan.....                | Hoxie.....          | C. E. Birney.....       | Mrs. Minnie Carder.....        | 34                   | 2    | 27   | 12   | 16   | 21  | 4    | 10    | 1    | 12   | 10   |
| Sherman.....                 | Goodland.....       | C. E. Birney.....       | Viva Peter.....                | 34                   | 4    | 14   | 13   | 2    | 10  | 11   | 12    | 9    | 19   | 12   |
| Smith.....                   | Smith Center.....   | Donald J. Magaw.....    | Lucille Figg.....              | 15                   | 11   | 8    | 26   | 18   | 9   | 18   | 19    | 17   | 14   | 3    |
| Stafford (See note 5).....   | St. John.....       | Roy J. McMullen.....    | Arlene McCandless.....         | 20                   | 6    | 7    | 7    | 2    | 1   | 6    | 7     | 2    | 7    | 4    |
| Stanton.....                 | Johnson.....        | L. L. Morgan.....       | Tina B. Wilson.....            | 39                   | 3a   | 27a  | 5d   | 2d   | 1a  | 5a   | 10a   | 2a   | 6a   | 10d  |
| Stevens.....                 | Hugoton.....        | L. L. Morgan.....       | John F. Fulkerson.....         | 39                   | 23a  | 9a   | 20a  | 5a   | 3a  | 7a   | 8d    | 22a  | 8a   | 13d  |
| Sunmer.....                  | Wellington.....     | Wendell Ready.....      | Laura McCormick.....           | 25                   | 3    | 7    | 6    | 3    | 1   | 5    | 11    | 2    | 6    | 4    |
| Thomas.....                  | Colby.....          | C. E. Birney.....       | Mrs. Winifred G. Van Horn..... | 34                   | 3    | 13   | 19   | 17   | 28  | 5    | 11    | 8    | 5    | 11   |
| Trego (See note 13).....     | WaKeeney.....       | Benedict P. Cruise..... | Mrs. Albert H. Acre.....       | 23                   | 17   | 20   | 5    | 11   | 16  | 4    | 13    | 10   | 5    | 12   |
| Wabaunsee (See note 12)..... | Alma.....           | A. K. Stavely.....      | Dorothy M. Walker.....         | 35                   | 3    | 7    | 6    | 3    | 1   | 5    | 4     | 2    | 7    | 4    |
| Wallace (See note 13).....   | Sharon Springs..... | Benedict P. Cruise..... | Evelyn P. Warren.....          | 23                   | 19b  | 22b  | 15b  | 16   | 18b | 14b  | 17    | 12b  | 16b  | 17   |
| Washington.....              | Washington.....     | Marvin O. Brummett..... | William Anderson.....          | 12                   | 4    | 8    | 5    | 4    | 8   | 4    | 25    | 16   | 19   | 12   |
| Wichita.....                 | Leoti.....          | Roland H. Tate.....     | Kate Elder.....                | 32                   | 4d   | 1a   | 2a   | 16   | 1d  | 5d   | 12d   | 4a   | 2a   | 17   |
| Wilson.....                  | Fredonia.....       | B. M. Dunham.....       | Dwaine Spoon.....              | 7                    | 3    | 2    | 1    | 3    | 3   | 7    | 4     | 4    | 1    | 6    |

## MOTION DAYS IN DISTRICT COURTS—1956—CONCLUDED

(Please see notes below)

| COUNTY          | County seat       | Judge                    | Clerk                   | No. Jud. Dist. | Jan.  | Feb.  | Mar.    | Apr.  | May   | June  | Sept.    | Oct.  | Nov.    | Dec.  |
|-----------------|-------------------|--------------------------|-------------------------|----------------|-------|-------|---------|-------|-------|-------|----------|-------|---------|-------|
| Woodson.....    | Yates Center..... | Spencer A. Gard.....     | Zelma Stockebrand.....  | 37             | 17    | 14    | 6<br>20 | 17    | 8     | 5     | 11<br>25 | 16    | 6<br>27 | 18    |
| Wyandotte.....  | Kansas City.....  | F. L. Fischer.....       | Richard D. Shannon..... | 29             | 7     | 4     | 3       | 7     | 5     | 2     | 8        | 6     | 3       | 1     |
| Div. No. 1..... | .....             | Willard M. Benton.....   | .....                   | .....          | 14    | 11    | 10      | 14    | 12    | 9     | 15       | 13    | 10      | 8     |
| Div. No. 2..... | .....             | Harry G. Miller, Jr..... | .....                   | .....          | 21    | 18    | 17      | 21    | 19    | 16    | 22       | 20    | 17      | 15    |
| Div. No. 3..... | .....             | William H. McHale.....   | .....                   | .....          | 28    | 25    | 24      | 28    | 26    | 23    | 29       | 27    | 24      | 22    |
| Div. No. 4..... | .....             | .....                    | .....                   | .....          | ..... | ..... | .....   | ..... | ..... | ..... | .....    | ..... | .....   | ..... |

(See note 14)

c—9:00 a. m. a—10:00 a. m. c—1:30 p. m. d—2:00 p. m. b—1:00 p. m.

NOTE 1.—Italicized dates indicate the first day of a regular term of court.

NOTE 2.—In Allen county July 23 is motion day.

NOTE 3.—In Anderson and Franklin counties, court will open at 9:30 a. m. on the days fixed by this schedule.

NOTE 4.—Barber county has term day, 2nd Monday in July.

NOTE 5.—Barton county, Rice county and Stafford county, court convenes at 10:00 a. m. except when jury appears, when court will convene at 9:00 a. m.

NOTE 6.—In Linn county, July 9 is motion day.

NOTE 7.—First day of term Dickinson county, January 2nd. Adjournment to motion day, January 9th. All sessions at 10:00 a. m. No jury at May term in Dickinson county, and June terms in Morris and Geary except on special order.

NOTE 8.—The business of the court will officially commence each day at the hour of 9:30 a. m. It is further ordered that the jury be called for the respective counties on the following days—in Harvey county: Feb. 20-May 15 and November 20; in McPherson county: January 16-April 10 and October 9.

NOTE 9.—In Norton county, Monday, August 27, is motion day.

NOTE 10.—In Riley county, opening of term delayed one day a/c New Year holiday. In September, opening day of term delayed one day a/c Labor Day.

NOTE 11.—In Shawnee county the schedule continues through July and August as follows:

Division No. 1.—Judge Beryl R. Johnson: July 13 and August 3 and 24.

Division No. 2.—Judge Paul H. Heinz: July 20 and August 10 and 31.

Division No. 3.—Judge Dean McElhenry: July 6 and 27, and August 17.

NOTE 12.—In Wabunsee county, motion day in November set for Wednesday to avoid election day.

NOTE 13.—In Russell, Ellis, Trego, Gove and Logan counties, court convenes at 9:00 a. m. In Wallace county, court convenes at 1:00 p. m.

NOTE 14.—In Wyandotte county, the division having law and equity has a motion day on Thursday of each week, except in August. The schedule continues through July as follows:

Division No. 1.—Judge E. L. Fischer: July 7.

Division No. 2.—Judge Willard M. Benton: July 14.

In August by appointment only.

Division No. 3.—Judge Harry G. Miller: July 21.

Division No. 4.—Judge William H. McHale: July 28.

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