

IN THE EIGHTH JUDICIAL DISTRICT

STATE OF KANSAS

ADMINISTRATIVE ORDER NO. 2019-30

ASSIGNMENT OF DUTIES

Effective the 1st day of January, 2020, judicial case responsibility in the Eighth Judicial District will be assigned to the Judges of the District as follows:

I. GEARY COUNTY

- ◆ The following cases are assigned to **Judge Rosauer** (DJ5):
 - One-third of Civil actions pursuant to Chapter 60
 - One-fourth of Domestic Relations, (excluding Protection from Abuse and Protection from Stalking actions)
 - One-third of Felony Criminal actions after bound over for arraignment
 - One-third of Municipal Court Appeals
 - Duties and responsibilities as set forth in the 2020 Geary County Duty Judge Assignment, a copy of which, identified as Attachment A, is attached hereto and incorporated herein by reference.

- ◆ The following cases are assigned to **Judge Hornbaker** (DJ4):
 - One-third of Civil actions pursuant to Chapter 60
 - One-third of Domestic Relations (excluding Protection from Abuse and Protection from Stalking actions)
 - One-third of Felony Criminal actions after bound over for arraignment
 - One-third of Municipal Court Appeals
 - Duties and responsibilities as set forth in the 2020 Geary County Duty Judge Assignment, a copy of which, identified as Attachment A, is attached hereto and incorporated herein by reference.

- ◆ The following cases are assigned to **Judge Boehm** (DJ2):
 - Five-twelfths of Domestic Relations (excluding Protection from Abuse and Protection from Stalking actions)
 - One-third of Felony Criminal actions after bound over for arraignment
 - One-third of Municipal Court Appeals
 - All Child in Need of Care (JC) cases

- All cases and responsibilities associated with the Geary County “Truancy Court” program
 - Duties and responsibilities as set forth in the 2020 Geary County Duty Judge Assignment, a copy of which, identified as Attachment A, is attached hereto and incorporated herein by reference.
- ◆ The following cases are assigned to **Judge Sexton (DJ1)**:
- One-third of all Civil actions pursuant to Chapter 60
- ◆ The following cases are assigned to **Judge Zimmerman (MJ3)**:
- Felony Criminal actions prior to arraignment
 - Juvenile Offender (JV) Cases (including those in which a jury trial is required)
 - Misdemeanor Criminal actions (including those in which a jury trial is required)
 - Probate
 - Care and Treatment
 - Adoptions
 - Civil actions pursuant to Chapter 61 (excluding Small Claims)
 - Duties and responsibilities as set forth in the 2020 Geary County Duty Judge Assignment, a copy of which, identified as Attachment A, is attached hereto and incorporated herein by reference.
- ◆ The following cases are assigned to **Judge Collett (MJ1)**:
- Civil actions designated as Small Claims
 - Civil actions involving child support enforcement, as scheduled by the Young and Williams law firm
 - Civil actions involving child support or court debt collection as scheduled by the Court Trustee
 - Protection from Abuse and Protection from Stalking actions
 - All cases and responsibilities associated with the Geary County “Drug Court” program
- ◆ The following cases are assigned to **Judge White (MJ2)**:
- Felony Criminal actions prior to arraignment
 - Misdemeanor Criminal actions (including those in which a jury trial is required), as scheduled on MJ3’s docket on the 1st Thursday of even numbered months (February, April, June, August, October, December)
 - Traffic (including those in which a jury trial is required)
 - Fish and Game
- ◆ Miscellaneous: In Geary County District Court cases in which motions for joinder or consolidation with other cases have been filed, the following procedure shall be

utilized to determine which Judge should hear such motions, and further, if granted, which Judge would hear the cases once consolidated:

- If all involved cases are assigned to the same Judge, said Judge shall rule on the motions.
- If the involved cases are not all assigned to the same Judge so that the motion affects cases assigned to two or more Judges, said motion shall be assigned to Judge Hornbaker (DJ4). Judge Hornbaker shall have the authority to decide the issues raised by the motions. If the result of Judge Hornbaker's decision is that cases previously assigned to more than one Judge should now be consolidated or joined, he shall have the authority to determine which of the involved Judges should hear the cases.

II. DICKINSON COUNTY

◆ The following cases are assigned to **Judge Sexton (DJ1)**:

- Domestic relations
- Felony Criminal actions after bound over for arraignment
- Municipal Court appeals

◆ The following cases are assigned to **Judge Collett (MJ1)**:

- Civil actions pursuant to Chapter 61, including Small Claims
- Care and Treatment
- Adoptions
- Juvenile Actions
- Traffic
- Fish and Game
- Probate
- Felony Criminal Actions prior to arraignment
- Misdemeanor Criminal actions (including those in which a jury trial is required)
- Civil actions involving child support or debt collection as scheduled by the Court Trustee, and those involving child support enforcement scheduled by the Young Williams law firm
- Any and all other cases within the jurisdiction of a District Magistrate Judge

◆ The following cases are assigned to **Judge Rosauer (DJ5)**:

- Civil actions pursuant to Chapter 60
- All recusals from Judge Sexton (DJ1) which are outside the jurisdiction of a District Magistrate Judge

III. MORRIS COUNTY

- ◆ The following cases are assigned to **Judge Powers** (DJ3):
 - Felony Criminal actions after bound over for arraignment
 - Municipal Court appeals
 - Termination of Parental Rights proceedings
- ◆ The following cases are assigned to **Judge Hornbaker** (DJ4):
 - Civil actions pursuant to Chapter 60 (excluding Domestic Relations)
- ◆ The following cases are assigned to **Judge Sexton** (DJ1):
 - Domestic relations (excluding Protection from Abuse and Protection from Stalking cases)
- ◆ The following cases are assigned to **Judge White** (MJ2):
 - Civil actions pursuant to Chapter 61, including small claims
 - Civil actions involving child support or court debt collection as scheduled by the Court Trustee, and those involving child support enforcement scheduled by the Young Williams law firm
 - Probate
 - Protection from Abuse and Protection from Stalking cases
 - Care and Treatment
 - Adoptions
 - Juvenile actions (including those in which a jury trial is required)
 - Traffic (including those in which a jury trial is required)
 - Fish and Game (including those in which a jury trial is required)
 - Felony Criminal actions prior to arraignment
 - Misdemeanor Criminal actions (including those in which a jury trial is required)
 - Any and all other cases within the jurisdiction of a District Magistrate Judge

IV. MARION COUNTY

- ◆ The following cases are assigned to **Judge Hornbaker** (DJ4):
 - Civil actions pursuant to Chapter 60 (excluding Domestic Relations)
- ◆ The following cases are assigned to **Judge White** (MJ2):
 - Preliminary Hearings as scheduled on the first and third Wednesdays in Courtroom I

- Civil actions involving child support or court debt collection as scheduled by the Court Trustee, and those involving child support enforcement scheduled by the Young Williams law firm
- Civil actions pursuant to Chapter 61, including Small Claims

All other cases are assigned to **Judge Powers** (DJ3).

V. ADDITIONAL ASSIGNMENTS

In all counties of the District, all Judges are assigned all cases within their jurisdiction which require judicial action in the absence of the regularly assigned Judge, and in such instances in which the assigned Judge may recuse or otherwise disqualify himself/herself from the case.

This case assignment order is subject to the provisions of Attachments A, B and C, which are attached hereto and incorporated herein by reference.

Exceptional assignments shall be made as justice and judicial economy may require.

IT IS SO ORDERED this 27th day of November, 2019.



Michael F. Powers (DJ3)
Chief Judge
Eighth Judicial District

ATTACHMENT A

2020 GEARY COUNTY DUTY JUDGE ASSIGNMENT

Whereas it has been determined that it is appropriate to have an on call or "Duty Judge" schedule for the convenience of the judges, attorneys, court staff, law enforcement personnel, and residents of Geary County, the schedule contained herein and identified as "2020 Geary County Duty Judge Schedule" is hereby adopted by the Judges of the Eighth Judicial District.

The schedule for Duty Judge will be made available to law enforcement, court staff, and attorneys regularly practicing in Geary County District Court. Those persons needing to contact a judge before or after regular court business hours shall make all reasonable efforts to present their matter to the Duty Judge before contacting any other judge. (This order does not affect current policies requiring Law Enforcement Officers to contact the County Attorney before attempting to contact a judge.)

On those weeks assigned to them as Duty Judge, judges shall be "on call" and generally available to law enforcement and others who might be attempting to contact them as Duty Judge, and shall make reasonable efforts to allow their whereabouts to be easily determined. If the Chief Judge determines that it is necessary, a paging system may be purchased and utilized to give Judges mobility and still allow contact by persons needing the Duty Judge.

The Judges of Geary County District Court shall have the ability to alter the schedule for Duty Judge and "trade" coverage by mutual agreement of the judge having responsibility for the effected day or week, and another Geary County District Court Judge

willing to take responsibility for the same. The judge having responsibility for a given week pursuant to the schedule for Duty Judge shall make court staff and the Geary County Sheriff's Department aware of any "trades" or changes in Duty Judge assignment.

In addition to being "on call", the Duty Judge shall be responsible for first appearances in criminal cases.

The Duty Judge shall additionally be responsible for any and all court proceedings which require attention in the absence of the Judge to which the matter is normally assigned. This shall specifically include limited action proceedings involving landlord/tenant relations.

2020 GEARY COUNTY DUTY JUDGE SCHEDULE

<u>Week</u>	<u>Duty Judge</u>	<u>Week</u>	<u>Duty Judge</u>
12/30 – 01/05/20	ROSAUER	03/23 – 03/29	ROSAUER
01/06 - 01/12	BOEHM	03/30 - 04/05	BOEHM
01/13 - 01/19	ZIMMERMAN	04/06 - 04/12	HORNBAKER
01/20 - 01/26	HORNBAKER	04/13 - 04/19	ZIMMERMAN
01/27 - 02/02	ROSAUER	04/20 - 04/26	BOEHM
02/03 - 02/09	BOEHM	04/27 - 05/03	ROSAUER
02/10 - 02/16	ZIMMERMAN	05/04 - 05/10	HORNBAKER
02/17 - 02/23	HORNBAKER	05/11 - 05/17	ZIMMERMAN
02/24 - 03/01	BOEHM	05/18 - 05/24	ROSAUER
03/02 - 03/08	ROSAUER	05/25 – 05/31	BOEHM
03/09 - 03/15	HORNBAKER	06/01 - 06/07	HORNBAKER
03/16 - 03/22	ZIMMERMAN	06/08 - 06/14	ROSAUER

06/15 - 06/21	ZIMMERMAN	09/28 – 10/04	ROSAUER
06/22 – 06/28	HORNBAKER	10/05 – 10/11	ZIMMERMAN
06/29 - 07/05	BOEHM	10/12 – 10/18	HORNBAKER
07/06 - 07/12	ROSAUER	10/19 – 10/25	BOEHM
07/13 - 07/19	ZIMMERMAN	10/26 – 11/01	ROSAUER
07/20 - 07/26	BOEHM	11/02 – 11/08	HORNBAKER
07/27 - 08/02	HORNBAKER	11/09 – 11/15	ZIMMERMAN
08/03 - 08/09	ROSAUER	11/16 – 11/22	BOEHM
08/10 - 08/16	ZIMMERMAN	11/23 – 11/29	ZIMMERMAN
08/17 - 08/23	BOEHM	11/30 – 12/06	ROSAUER
08/24 – 08/30	HORNBAKER	12/07 – 12/13	ZIMMERMAN
08/31 – 09/06	ROSAUER	12/14 – 12/20	HORNBAKER
09/07 – 09/13	BOEHM	12/21 – 12/27	ROSAUER
09/14 – 09/20	ZIMMERMAN	12/28 – 01/03/21	BOEHM
09/21 – 09/27	HORNBAKER		

ATTACHMENT B

Whereas, cases are assigned to the District Judges serving Geary County, Kansas, by random lot computer assignment, and

Whereas, as a result of this, Judge Steven L. Hornbaker receives a proportionate share of all cases filed in the categories assigned to him, and

Whereas, Judge Hornbaker does not hear cases involving Charles W. Harper, II, or any member of his law firm; and

Whereas, random lot assignment will frequently result in cases from this attorney being assigned to Judge Hornbaker.

Therefore, it is hereby ordered that:

1. In each instance in which random lot assignment would result in a case filed by the above-named attorney being assigned to Judge Hornbaker, said case shall automatically be re-assigned to Judge Boehm and Judge Rosauer, on a rotating basis.
2. For each case that Judge Boehm or Judge Rosauer receives as a result of this order, Judge Hornbaker will be assigned a case which otherwise would have been assigned to Judge Boehm or Judge Rosauer.
3. In cases in which said attorney or a member of his firm enters an appearance subsequent to the case being assigned to Judge Hornbaker, the case shall automatically be re-assigned to Judge Boehm or Judge Rosauer, on a rotating basis. Each time a re-assignment occurs, Judge Hornbaker

will then be assigned a case which would have otherwise been assigned to Judge Boehm or Judge Rosauer.

If the referenced attorney files or enters an appearance in a case assigned to Judge Hornbaker in one of the other courts of this District, the Clerk of the Court shall immediately notify the Chief Judge and the case will then be re-assigned.

ATTACHMENT C

The judicial case assignment order for Dickinson County, Kansas, is hereby supplemented as follows:

1. All cases within the jurisdiction of a District Magistrate Judge, filed by Robert H. Royer, Jr., or in which said attorney makes an appearance, shall be assigned to the Honorable Keith Collett for all further proceedings.
2. All cases outside the jurisdiction of a District Magistrate Judge, filed by Robert H. Royer, Jr., or in which said attorney makes an appearance, shall be assigned to the Honorable Ryan W. Rosauer for all proceedings.
3. All cases within the jurisdiction of a District Magistrate Judge, filed by Morrison, Frost, Olsen & Scharz, LLP, or any member of their firm, or in which any attorney from their firm makes an appearance, shall be assigned to the Honorable Keith Collett for all further proceedings.
4. All cases outside the jurisdiction of a District Magistrate Judge, filed by Morrison, Frost, Olsen & Scharz, LLP, or any member of their firm, or in which any attorney from their firm makes an appearance, shall be assigned to the Honorable Ryan W. Rosauer, for all proceedings.