

The K.A.C.M. Docket

Volume 31

July 30, 2002

KACM Board of Directors

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Polly Mains

Hesston

Vice President

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Lindsborg

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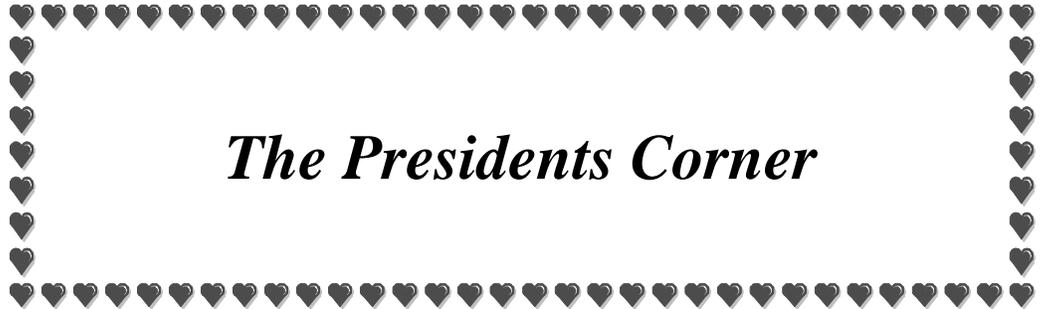
Alternates

Rose Wessel Oakley

Janet Mitchell Overland Park

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The Presidents Corner

~Polly Mains~

May Our Memories Live On Forever

I have to start this out by saying that this is truly one of the hardest things I have ever had to do. As many of you already know Polly has lost her battle with cancer.



Polly passed away at her home in Hesston Kansas on July 21, 2002 with her loved ones by her side. Polly is survived by her son Shawn Mains of Hesston, a foster son Josh Brooks of Denver; a brother, Ward Mains and wife Mary of Aurora, CO.; two sisters, Mary Stewart and husband Chris of Raymore, MO and Lisa Schneider and husband Chris of Andale; two nephews, Wesley Mains of Aurora and Austin Schneider of Andale; and a niece, Sara Mains of Aurora. Services were held on July 25, 2002 at Zion Lutheran Church with the Reverend Ronald F. Gloe officiating. Polly's final resting place will be in Villisca, Iowa were most of the Mains ancestors lived.

Memorials have been set up with the Zion Lutheran Church Boy Scout Troop 112 and Central Home-care and Hospice, both in care of Petersen Funeral Home in Newton, Kansas.

Polly was truly one of the strongest most amazing people I have ever had the privilege of knowing. I met Polly at my very first KACM conference about 9 years ago and we were instantly inseparable....we laughed, we cried, we occasionally argued but most of all we respected each other. This conference will be a tough one with our leader gone, and I know that I am not alone in saying that she will be missed very very much! but I hope that we can do as Polly would have wanted us to do and that would be to share the stories "ok Polly maybe not ALL of the stories" and all the wonderful memories of her time with us. Polly has given so much to KACM, as a member, volunteering on committees and working her way to the top of the Board of Directors. So we say goodbye to our President, our Peer and to many of us our Friend.

Kansas Association For Court Management –Board Meeting June 21, 2002



The K.A.C.M. Board of Director's meeting was held Friday, June 21, 2002 at 10:00 A.M. at Kathy's Kitchen in El Dorado, Kansas. President, Polly Mains, called the meeting to order. Roll call was taken and the following officers and board members were present: President Polly Mains (Hesston), Secretary Karen Daniels (Tonganoxie), Treasurer Jane Eilers (Salina), Sgt. At Arms Sherri Adams (Pittsburg), Board of Trustees, Leslie Felts (Winfield), Bettina Jamerson (Prarie Village), Bobbie Ramsey (Arkansas City), Theresa Durler (Dodge City) and Alternate Trustee Janet Mitchell (Overland Park). Vice President Jerry Lovett-Sperling, Trustees Dee Heath (Benton), Rick Voisin (Towanda) and Alternate Trustee Rose Wessel (Oakley) were absent.

Teresa Druler made a motion to approve the regular minutes and the special meeting minutes as presented. Leslie Felts seconded the motion. Motion carried. Jane Eilers, Treasurer, presented the treasurer's report. The checking account balance is \$18,549.18. Karen Daniels made a motion to approve the report and Bettina Jamerson seconded the motion. Motion carried. Jane reported that the continuous position schedule fidelity bond with Western Surety Company is in force and the annual premium is \$100.

COMMITTEE REPORTS

- Ambassador – Sherri Adams suggested implementing a seating arrangement for meals using place cards. This would mingle the new members with older members and help the new people get acquainted. Sherri also stated that she would have the map completed denoting location by city of all the members. A new member breakfast was discussed.
- Courtesy – Candy Westoff was absent but Polly Mains reported that a plant had been sent to Marcie Raulston after her recent surgery.
- Education – Jerry Lovett – Sperling was unable to attend but had sent the conference agenda and info for the 2003 conference.

The registration fee for the Emporia conference was discussed. The consensus of the board was that registration could be lowered since our expenses for the conference are much less than expected. Leslie Felts made a motion to charge a registration fee of \$10 for the September, 2002 conference. Jane Eilers seconded the motion. Motion carried.

Door prizes/gifts were discussed. It was decided to give three significant prizes (total expenditure for 3 prizes would be approximately \$1000). Polly reported that she would request permission from OJA for KACM to sponsor the breaks at the Spring Conference in 2003. Two sites were presented for the September 2003 conference – Holiday Inn at Olathe and the Doubletree in Overland Park. Sherri Adams made a motion to have the conference in Olathe. Bettina Jamerson seconded the motion. Motion carried.

- Historian – Doris Schoeck (absent)
- Hospitality – Janeice Rawles (absent)

(Continued from page 2)

Legislative – Phil Martin (absent) Leslie Felts said she had received an e-mail from Phil and there were 5 legislative actions that would affect Municipal Courts.

- Manual – Toni Rogers (absent)
- Membership – Janet Mitchell presented an updated membership list.
- Newsletter - Leslie Felts reported the items that would be in the next newsletter.
- Past President – Leslie Felts reported that her committee had met to prepare the slate of officers for 2002-2003. They also discussed the organizations expenditures and stressed the importance of having itemized list of monies spent and documentation of board approval prior to the expenditure. Leslie presented the following recommended slate of officers: President – Jerry Lovett-Sperling; Vice President – Janet Mitchell; Secretary – Bettina Jamerson; Treasurer – Jane Eilers; Sgt. At Arms – Sherri Adams; Trustees – Polly Mains, Rod Edmondson, Theresa Durler, Rick Voisin, Dee Heath and Gloria McBee: Alternate Trustees – Mary Ann Mogle and Barbara McGuire.
- Promo/Sales – Dee Heath reported that there are no supplies or items to sell on hand. The total sales were \$419.50 at the April conference.
- Scholarship – Bettina Jamerson has received one application for a scholarship thus far. The Scholarship Account balance is \$788. Bettina urged everyone to participate in providing items for the silent auction.

OLD BUSINESS

Janet Mitchell is still attempting to locate a contact that could sponsor or assist KACM with a certification program. She estimates the cost of the program would be \$10,000.

Revision and updating the by-laws was the next item of business. Article II, Section 6 was discussed. Section 7 (Transfer of Membership) should be changed to require the city to request that a membership be transferred from a former clerk to a new clerk for the remaining paid year of membership. Article III, Section 4 wording should change to “Vacancies on the Board of Directors shall first be filled from ---. Section 12 (Meetings by Telephone) should be changed to read “Meetings by telephone or Alternate Devices of Technology. Further study of the by-laws will be done. Polly will contact Phil Martin to confirm the procedure required to revise the by-laws.

NEW BUSINESS

The next board meeting will be held September 20, 2002 at the Ramada Inn in Emporia, immediately following the close of the conference.

Bobbie Ramsey made a motion to adjourn. Sherri Adams seconded the motion. The meeting

DATES TO REMEMBER:

**KACM Fall Conference September 19-20, 2002
in Emporia**

*******ONLY A \$10.00 REGISTRATION FEE*******

KANSAS ASSOCIATION FOR COURT MANAGEMENT
SEPTEMBER 19-20, 2002
FALL CONFERENCE - EMPORIA

AGENDA

THURSDAY, SEPTEMBER 19, 2002

6:45 – 8:15 **Breakfast**

Courtyard Menu: Deluxe Breakfast Buffet

7:00 **Registration Begins**

Courtyard

8:15 **Welcome & Announcements** – Jerry Lovett-Sperling, Vice President
Ballroom

8:30 **General Session**

*How to Provide Access Without Giving Legal Advice – Donna Beaudet,
Court Administrator for the 46th District Court of Michigan*

10:15 Break with vendors in the Courtyard

10:25 **General Session continues**

12:00 **Lunch w/ Vendors**

Courtyard Menu: Deli Buffet

*Silent Auction begins – Ballroom
Be sure to check out the auction items between sessions*

1:30 to 3:00 **Dept of Motor Vehicles – Marcie Ralston & Harry Tiffany**
Ballroom

3:00 Break with Vendors in the Courtyard

3:15 to 4:30 **Business Meeting and Election of Officers ****DOOR PRIZE DRAWING******
Ballroom

6:00 **Dinner and Fun!**

Ballroom Menu: Chicken Oscar

*Silent Auction will end at 8:00 p.m.
Winners will be announced at the morning opening.*

KANSAS ASSOCIATION FOR COURT MANAGEMENT
SEPTEMBER 19-20, 2002
FALL CONFERENCE - EMPORIA

AGENDA

FRIDAY, SEPTEMBER 20, 2002

7:45 - 8:45 Breakfast
Courtyard

8:45 Opening Comments and Silent Auction Results
Ballroom

8:50 Meth in Your Community – Det. Shannon Moore
Ballroom

10:45 Break - Courtyard

11:00 Yoga for Everyday People – Flora Rogers Nessly
Ballroom



12:00 Complete Conference Evaluations - Please let us know what you think.
We use these to assist in conference planning. Leave completed evaluations on
registration table.

Thank you!!

12:15 KACM Board Meeting – Regency Room

*******Be sure to wear comfortable clothes on Friday for yoga*******

KANSAS ASSOCIATION FOR COURT MANAGEMENT

2002 FALL CONFERENCE

SEPTEMBER 19-22, 2002

RAMADA INN , EMPORIA, KS

MEMBER CONFERENCE REGISTRATION FORM

NAME: _____ TITLE: _____
 ADDRESS: _____ CITY: _____
 ZIP: _____ TELEPHONE: _____

_____ KACM MEMBERS: Registration fee is **ONLY** \$10.00. This includes conference fees; Thursday breakfast, lunch and dinner, Friday breakfast and all break refreshments.

**** Note: KACM Treasurer will be sending invoices for 2002/2003 memberships ****

_____ NON-KACM MEMBERS: *If you are not NOW and/or have never been a member of KACM, this is the fee for you.* Registration fee is \$60.00. This includes a one-year membership in Kansas Association for Court Management; conference fees; Thursday breakfast, lunch, dinner and entertainment, Friday breakfast and all break refreshments. (if you are in question of where your membership status is, please contact Jane Eilers, Treasurer)

_____ # of Guests for Thursday Lunch (Deli Buffet) @ \$9.00

_____ # of Guests for Thursday Dinner (Chicken Oscar) @ \$13.00

_____ Total due KACM

Please make your check payable to Kansas Association for Court Management. This form and your registration fee must be returned on or before September 6, 2001. Mail to:

Jane Eilers, KACM Treasurer
Salina Municipal Court
255 N. 10th Street
Salina, KS. 67401
 (785) 826-7230

Hotel reservations must be made on or before **August 18, 2002**. The hotel has us as 'The Municipal Court Conference' or 'Kansas Association for Court Management'. The Association has a block of 90 rooms held until this date. Room rates are \$53.95 for single/double occupancy.

Check in time: 3:00 p.m. Check out time: 12:00 p.m.

Emporia Ramada Inn & Conference Center
2700 W. 18th St.
Emporia, KS 66801
620 343-2200 fax: 620 343-1609

Look in the KACM Newsletter for the Silent Auction Information!!

_____ Please "X" this space if you DO NOT plan to stay for dinner on Thursday evening.

SILENT AUCTION



Silent Auction to be held at the Fall Conference

September 19th-20th, 2002

Proceeds from the auction will be used to pay for the KACM Scholarships for the Fall Conference. Donations from all cities will be greatly appreciated; such items as arts and crafts, sports memorabilia, Kansas goods or products, tickets to sporting events, theatre or other activities or any other items of your choice. If you can bring a donation to the fall conference, please complete the form below by September 1, 2002 and fax to:

Bettina Jamerson (Prairie Village)	(913)385-4665
Diana Brooks (Colwich)	(316)796-0193
Liz Ziegler (Kingman)	(620)532-2147

Name _____ Phone _____

City _____

Space Size Needed _____

I will bring the item donated to conference. Yes _____ No _____

I will mail the item to one of the committee members. Yes _____ No _____

For more information on the silent auction, please call:

Bettina Jamerson at 913-385-4580

Clarification on Legal Tender

By The Honorable Judge Arnold-Burger –Overland Park

It was reported in a recent article in the Municipal Court Clerk's newsletter that nickels and pennies are not always legal tender. The article cited Title 31 of the United States Code as stating, "Minor coins of the United States (meaning nickels and pennies) shall be a legal tender, at their nominal value for any amount not exceeding twenty-five cents in any one payment." The article went on to state:

"This means that if you try to pay off a debt in nickels and pennies, your creditor has every right to refuse to accept all but the first 25 cents. Although the law is rarely invoked, it did figure dramatically in a 1921 court case in Durham, N.C. A shopkeeper named Munick went to the city water company to pay his \$4.50 water bill. His payment included a roll of 50 pennies. In anger, the manager of the company, Harvey Bolton, swept the pennies onto the floor, then proceed to slap, choke and verbally abuse Munick. In the case of H. Munick v. City of Durham, the North Carolina Supreme Court ruled that Bolton was out of bounds in his treatment of Munick, but not in refusing the pennies. Legal tender, said the court, is legal tender."

The case referred to in the article is *Munick v. City of Durham et al.*, 106 S.E. 665, 181 N.C. 188 (1921). The case contained a correct recitation of the law as it existed in 1921. However, the language "not exceeding twenty-five cents in any one payment" in the U.S. Code was removed, and there is currently no such restriction in federal law. See, 31 U.S.C.A. §5112 ("The coins issued under this title shall be legal tender as provided in section 5103 of this title.") and 31 U.S.C.A. §5103 ("United States coins and currency [including Federal reserve notes and circulating notes of Federal reserve banks and national banks] are legal tender for all debts, public charges, taxes, and dues. Foreign gold or silver coins are not legal tender for debts.")

Therefore, *Munick* is no longer good law.

Instead the only similar case on the books is the unreported case of *State v. Carroll*, 1997 WL 118064 out of the Court of Appeals of Ohio, Fourth District. In this case, Brian Carroll was found guilty of contempt in municipal court for failing to pay a fine and costs and for attempting to obstruct the duties of the clerk by tendering 12,300 pennies in plastic bottles in a cardboard box for his fines. The clerk refused to accept the loose coins unless rolled in appropriate containers, which was the policy of the court. She offered to furnish such containers, but the defendant refused. He testified on appeal that he was making a statement with his payment, showing his dissatisfaction with his trial.

The appellate court found that the tender of the pennies and their conditional refusal created no imminent disruption of the clerk's office, so contempt would not be proper for obstructing the duties of the clerk. However, the Court found that the municipal court did not err in refusing to accept the 12,300 loose and unrolled pennies.

The Ohio statute provided that the clerk had the authority to "receive, collect, and issue receipts for all costs, fees, fines, bail, and other moneys payable to the office or to any officer of the court." This authority carries with it the implied authority to the clerk to provide a reasonable procedure for the place, time and manner of accepting fines consistent with the efficient operation of the clerk's office. The court went on to state:

"A disgruntled defendant desiring to protest his fines must comply with such reasonable rule. In this case appellant sought to pay his fine and costs with 12,300 pennies which, if accepted would require several hours of her time to count. In the event the fine was much greater, such as \$500 the office of the clerk would conceivably require, in effect, a partial shut down for hours of the clerk's office, diverting the office from other required and necessary duties...We hold the trial court correctly held the clerk was not required to accept loose pennies, even if legal tender, in payment of a fine."

In a concurring opinion, one justice wrote the following:

"Obviously, appellant is displeased with his conviction for disorderly conduct. I fully recognize and understand that many litigants are displeased and frustrated with the outcome of cases in which they are involved. Appellant's remedy, however, as pointed out to him by the trial court judge, was to appeal the trial court's judgment. Appellant failed to appeal the judgment. Rather, appellant engages in conduct the he believes will burden the court and the clerk's office in carrying out their official duties."

In short, I am sure that everyone involved in this useless exercise, including appellant, could be using their time more efficiently and effectively. All of us have more important matters that require our attention."

Therefore, it would appear that pennies, regardless of the quantity, are legal tender. Similar to the Ohio law, K.S.A. §12-4108 (2001) states that "The clerk shall receive, account for and pay to the city treasurer monthly all fines and forfeited bonds paid into the court." Therefore, using the rationale in *Carroll*, your court may adopt reasonable rules regarding the accepting of payments. If those rules are to be enforceable, however, they would need to be in writing and consistently adhered to.



Attention KACM Members:

If anyone would like to submit an article, see a specific topic addressed or if you might have a special occasion or event coming up that you would like to see in the newsletter please either contact Leslie Felts at 620-221-5515 or email information to lfelts@cox.net or lfelts@winfieldks.org



The newsletter is printed every quarter, so all articles need to be sent in no later than the last month of each quarter.

KACM Bulletin Board

Be sure to stop by the promotions table at conference and check out all the new KACM items for sale

A special thank you to those of you who sent in the declaration for candidacy...without volunteers KACM would not be possible.

Please note the change in my email address it is now lfelts@cox.net.
Thanks,
Leslie Felts

Kansas Association for Court Management 2002-2003 Slate of Officers

President-	Jerry Lovett-Sperling	Lindsborg
Vice President-	Janet Mitchell	Overland Park
Secretary-	Bettina Jamerson	Prairie Village
Treasurer-	Jane Eilers	Salina
Sgt. At Arms-	Sherri Adams	Pittsburg
Trustees-	Leslie Felts Rod Edmondson Theresa Durler Rick Voisin Dee Heath Gloria McBee	Winfield Chairperson Baxter Springs Dodge City Towanda Benton Newton
Alt. Trustees-	Mary Mogle Barbara McGuire	Baseor Mount Hope

Remember this is just a recommended slate of Officers and that KACM welcomes nominations from the floor.



Application for Membership to the Kansas Association for Court Management

Any appointed or elected Court Clerk/Court Administrator or Assistant Court Clerk/Administrator or any person serving in a management position in any Municipal Court of the State of Kansas shall be eligible for Regular membership.

Any person interested in the improvement of administration of justice may be eligible for Associate membership.

Any person enrolled full time in a degree program in the field of court administration, business administration, public administration, law, criminal justice or other related field and not presently employed full time in a court may become a student member.

Membership is for individuals, not for the court.

Name: _____

Title: _____

Mailing Address: _____

Type of Membership Requested:

- Regular Membership \$50.00
 Associate Membership \$30.00
 Student Membership \$15.00

PLEASE MAKE CHECK PAYABLE TO THE KANSAS ASSOCIATION
FOR COURT MANAGEMENT (KACM).

Return check and membership application to :

Jane Eilers, Treasurer
255 North 10th St.
Salina, KS 67401

If you have a question as to whether or not you are currently a member please contact Jane at 785-826-7230

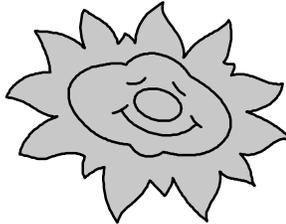
Leslie Felts
P.O. Box 646
Winfield, KS 67156

Phone: 620-221-5515

Fax: 620-221-5593

Email: lfelts@winfieldks.org

lfelts@cox.net



**Kansas Association for
Court Management**

*K.A.C.M. Board of Directors' goal is to provide
each Municipal Court Clerk in the state of
Kansas with quality education and training.*

We're on the Webb!
Address: ksmunicipalcourts.com