



The K.A.C.M. Docket

Volume 52

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THE PRESIDENT'S CORNER

By Bettina Jamerson

Another successful conference was presented by OJA and KACM. There was a great turn out of clerks and pertinent topics were presented and discussed. Dr. Gerald Graham was a dynamic speaker who spoke about understanding human behavior. A short presentation was made on appeals to District Court, a panel discussed how to provide good customer service and of course we had DMV there to discuss updates and answer questions. We also had forty new clerks trained on Thursday by our own KACM members.

Thanks to our Promotion and Sales Committee we had some great spring colored shirts to choose from and denim shirts. I think they nearly sold out! If there's anything you'd like to see us selling please contact a member of their committee.

The Hospitality Suite was in full force with plenty of games, food, drinks and movies! Thank you Hospitality Committee. That Mexican Train Dominoes is just a hoot!

Soon the membership renewals will be mailed out (or possibly e-mailed), so watch for those and get your renewals in. Update any names of clerks who have left your city or clerks that have been added. Also make sure you provide a current e-mail address. We hope to continue to e-mail newsletters to those with e-mail. This will save postage and trees!

I received a letter this month from the League of Kansas Municipalities extending an invitation to KACM members to attend their 2008 Annual Conference, "Cities of the Future". It's their 100th Annual Conference and will be held October 11-14 at the Century II Convention Center and the Wichita Hyatt Regency. It brings together about 800 local

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Education Committee News

Fall conference – September 18-19 in Junction City at the Courtyard by Marriott.

Early Bird Registration - New this year is Early Bird Registration, which reduces the registration fee for those early-birds who register before August 18th! Registering early is also extremely helpful to the KACM planning committees. Watch for your registration form, which will be sent in the April Newsletter and will be available at www.ksmunicipalcourts.com; we may also experiment with registration via email, if technology cooperates. Be sure you register early to save some bucks and make your hotel reservations by that day.



“The Lady in Red” is coming to the fall conference!

Be prepared to learn many helpful ways to deal with the diverse people that each of us deal with on a daily basis. Be inspired to be the best you can be to do your job professionally and enjoy the day. Thursday night’s activities will be a trip to the Munson Angus Farm to see the Flint Hills, enjoy supper and entertainment on the farm.

Registration and information will be in the July newsletter! See you there!

President’s Corner (continued from p. 1)

government officials each year. If you’re interested in attending please contact Jessica Roberts at (785) 354-9565 or e-mail her at jroberts@lkm.org.

Of course the month before the League’s conference is the KACM Fall Conference in Junction City. It is scheduled for September 18-19 at the Courtyard by Marriott. We will be having our annual Silent Auction to support the Polly Mains Scholarship Fund, so start creating fun things you could donate to the auction—jewelry, wraps, ponchos, candles, figurines, etc. Or create a basket of goodies from your city, or donate tickets to sporting events or theatrical performances. Be creative!

Enjoy your spring and watch for membership renewals!

Bettina Jamerson

Genius Criminals!?

Donald Baker, 51, was re-arrested in March in Peterborough, Ontario, when he called the police department to request a wake-up call for his court appearance the next morning; amazed at his audacity, police ran a records check and found an additional arrest warrant on him. [Peterborough This Week, 3-17-08]

William Harvey, defending a DUI charge in court in Perth, Scotland, in February, told the judge that his high blood-alcohol reading was because he has a "balloon-like" pouch in his neck (sort of like a pelican's) that collects most of the alcohol he swallows and therefore makes it seem that he is much more inebriated than he really is. (He was convicted.) [BBC News, 2-18-08]

(source: newsoftheweird.com)

Disclosure of Expunged Record

By Greg Nickel

As you all know, expunged records must be treated with extra discretion and cannot be disclosed. There are, however, 16 exceptions to the non-disclosure requirement listed in KSA 12-4516. Can you name some of them? Some of these are listed in the next paragraph, but if you can name a few of them without looking, you are doing really well!

The exceptions include: the defendant him/herself, a private detective agency, a court, the secretary of SRS, a person entitled to such information pursuant to the terms of the expungement order, a prosecuting attorney, the supreme court, Kansas lottery, state gaming agency, and the attorney general. (see KSA 12-4516(i) for the official list)

I recently received a records request for an expunged record and had to refer to the statute (KSA 12-4516) and then consult with our city attorney before proceeding. This particular request came from a district attorney's office. I found that the request must be "accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense."

Invitation: *This article was written so that we might all benefit from on-the-job lessons learned by one clerk. If you have encountered something unfamiliar, we would love for you to share; please feel invited to submit a short write-up for publication.*

MIP Cigarettes



There have been some questions raised recently about how to handle violations of minors in possession or purchasing cigarettes. Do these convictions need to be reported to the DMV?

Marcy Ralson answers this question:

"A conviction pursuant to UPOC 5.6 – Purchase or Possession of Cigarettes or Tobacco Products by a Minor -- is not a traffic related conviction. Therefore, it would not be recorded on the driving record and does not need to be submitted to the Driver Control Bureau."

Fine Points of the Law

Italy's highest appeals court ruled in March that it is not illegal for a woman to lie in a police investigation if the reason is to cover up her adulterous affair. Court of Cassation judges said that her honor is more important than providing intimate information about her lover. [BBC News, 3-7-08]

The North Carolina Court of Appeals voted 2-1 in February to approve a worker compensation claim for only one of a woman's breast-implant replacements, ruling that the other implant ruptured (in a job-related accident) only because it had been improperly installed. (The dissenting judge said, even so, the compensation fund should pay for the second replacement, too, because to achieve their purpose, both breasts must be aligned properly on the chest.) [WTKR-TV (Norfolk)-AP, 2-5-08] (source: newsoftheweird.com)

Attorney General Focuses on Victims' Services:

The Kansas Attorney General's Office is charged with assisting local victim assistance programs across Kansas meet the needs of their community. During the past year, services provided by the office's Victim



Services Division have been expanded. More resources are being focused on assessing the needs of programs in every corner of the state and offering assistance.

The Victim Services Division seeks to ensure that Kansas crime victims: 1) are aware of their rights, 2) have their rights protected, 3) are aware of the services available to them, and 4) have access to quality services. The following units within the Victim Services Division can be helpful to victims and survivors:

Crime Victim Compensation Board. This unit provides victims with financial assistance for loss of earnings and out-of-pocket loss for injuries sustained as a direct result of violent crime. This includes reasonable medical care, mental health counseling or other services necessary as a result of the injury. In the event of the victim's death, reasonable medical expenses and the partial cost of funeral, burial or cremation is reimbursable. Crime victims should be encouraged to contact our office for more information about compensation at **(785) 296-2359**.

Victim Advocacy Unit. This unit assists the community by working directly with victims, crime victim and witness assistance programs and educating the public. The advocates in this division work with prosecutors in the Attorney General's Office to keep victims involved in the criminal justice system and ensure their rights are met. Victims, survivors, and local programs can contact this unit for direct assistance at **(800) 828-9745**.

Domestic Violence Unit. This unit provides training regarding best practice for law enforcement and prosecutors in domestic violence cases, prosecutes domestic violence cases, and collaborates with other statewide agencies to increase both victim safety and perpetrator accountability. This unit provides education to the public about the signs of domestic abuse and available resources. The unit is also developing the certification of batterer intervention programs. Victims, law enforcement, and local prosecutors wanting assistance can contact the Domestic Violence Unit directly at **(800) 828-9745**.

Victim Service Grants Unit. This unit administers state funded grants provided to a variety of victim service agencies located throughout the state. Child exchange visitation centers, child advocacy centers, domestic violence programs, sexual assault programs, and other crime victim service agencies are eligible to apply for grant funds. Local programs can find out more about our grant opportunities online at: www.ksag.org/content/page/id/58. Grant applications are due May 9, 2008.

School-Based Policing Unit. This unit protects the public and prevents crime by assisting local communities and counties with their efforts to have school based officers. They also serve as the primary liaison between law enforcement and public health agencies for trainings designed to increase communication in the event of a public health emergency. This unit can be a resource on bullying, drug crimes and more.

Abuse, Neglect, and Exploitation Unit. This unit collaborates with other statewide agencies and law enforcement personnel, prosecutors, and protective services to ensure that abuse, neglect, and exploitation cases are given due consideration. This unit can be a resource in

(AG, continued p. 5)

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cases of child abuse, elder abuse and abuse of a dependent adult.

In the coming months, the Attorney General's Office will provide a more in depth explanation of each area in the Victim Services Division. If you or any crime victim has additional questions, please, contact Dorthy Stucky Halley, Director, Victim Services Division, at **(800) 828-9745**.

Thank you to the AG's office for providing this article.

Appeals to District Court

We had a session at the spring conference focusing on the procedures for handling appeals. Lisa Wilson, who is a district court Specialist at OJA led this session. Their offices have recently been meeting with representatives from District Courts to discuss the process of reporting appealed convictions to the KBI and DMV.

Lisa stated that municipal courts shall not delay to report the convictions to the DMV and/or KBI; KADR abstracts of convictions should be submitted normally.

Once the district court receives the Notice of Appeal from the defense, Lisa indicated that it will be the district court's responsibility to notify the DMV and KBI of the appeal. The district court will also be responsible for reporting the final disposition of the appeal. The only exception to this is when an appeal case is remanded back to the municipal court..

If you have further questions for Lisa, you may contact her at wilsonl@kscourts.org.

DMV Statistics

In the past 9 months, the number of electronically submitted convictions has made a huge difference in the workload for the DMV. Here are some numbers given at the spring conference by Marcy Ralston; they are only approximate numbers, but show how many electronic submissions have been made these past 9 months:



113,000	Minor Convictions
20,000	Major Convictions.
14,000	Suspensions
7,000	Reinstatements

Just launched! DC Online, the new Driver Control website for Kansas courts is up and running! Please check out the site at <http://www.ksrevenue.org/courts/index.html>.

DC Online includes Education information, Downloads and Forms, Frequently Asked Questions, and a What's New section. In the Links section, users will find links to other organizations and other state offices that work with driving-related information. And, we included a Contact page that allows users to send general questions to Driver Control via email.

We encourage court clerks to register their contact information on the site. This information will allow Driver Control to contact court clerks via email with updates and other information that impacts our work.

We know you will find lots of useful information on the site and hope you check back frequently as we update and expand.

Article provided graciously by Jennifer Herman..

You Know You Are a Court Clerk When...

Jeannine Hoheisel received these from Julie Wilkinson and thought they were funny (I agree!). We can all probably relate, and might even have our own to add!

1. You believe some defendants are alive only because it's illegal to kill them, or by God's grace they haven't died from their 15 drug over doses.
2. You recognize that you can't cure stupid.
3. You own at least five different pens with the names of local attorneys on them.
4. You believe that saying "it can't get any worse" causes it to get worse just to show you it can.
5. You've ever heard a defendant with a nose ring, a brow ring, and twelve earrings say "Isn't that cruel and unusual punishment?"
6. You've ever placed a bet on someone's blood alcohol level.
7. You've told a confused defendant that your name is that of a coworker's. (This one is in honor of Jamie at Wichita Muni)
8. Your bladder can expand to the size of a Winnebago's water tank.
9. You believe that not all defendants are annoying... Some are asleep in the back of the courtroom.
10. Your family and friends refuse to watch legal dramas with you because you spend the whole time correcting everyone and pointing out glaring artistic licenses during murder trials that last less than 30 minutes.
11. You don't get excited about bodily fluids, unless it's your own.
12. Discussing trials and evidence (that is potentially gory) over a gourmet meal is perfectly normal to you.
13. You believe that "shallow gene pool" should be a recognized legal excuse.
14. You believe that the government should require permits to reproduce, and no couple with more than 7 misdemeanor convictions and/or 4 felony convictions between them should be allowed to reproduce.
15. You believe that unspeakable evils will befall anyone who utters the phrase "Wow, it's really boring today, isn't it?"
16. You have ever wanted to write a book entitled "Criminals and Their Stupid Excuses"
17. You have ever had a defendant look you straight in the eye and say "I have no idea how s/he got that black eye."
18. You've had to leave a courtroom before you begin to laugh uncontrollably.
19. You've heard so many reasons for committing crimes, you know exactly what excuse(s) you will use if you really do hold up that armored truck.
20. You believe there's a special place in hell for using 911 for stupid things.
21. You know that the decoys posing as prostitutes in stings are infinitely more attractive than the real deal.
22. You've ever sat next to a gorgeous guy and all you could think was "Wasn't he in court last week?"
23. A girl who lived in the trailer park said, "I can't believe they got me for domestic battery. I only hit the bastard once. It's not like I kicked the sh*t out of him or somethin'."

SILENT AUCTION

**Silent Auction to be held at the Fall Conference
Junction City, Kansas
Sept. 18th-19th, 2008**

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 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 and fax to:

Candy Westhoff (Girard)
(620) 724-6878
or email candykansas@yahoo.com

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:

Candy Westhoff (Girard) (620) 724-6219 or 8918



KANSAS ASSOCIATION FOR COURT MANAGEMENT

Scholarship Application for Fall KACM Conference
Sept. 18th and 19th, 2008
At Junction City, Kansas

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

The Kansas Association of Court Management offers new clerk orientation at the Spring Conference (those new clerks who have been appointed within the last two years). The orientation is a basic course geared toward new clerks.

(Municipal Court Clerks attending the Municipal Court Clerks' Conference in the spring will be reimbursed directly to the Court Clerk (one clerk per city) by the Supreme Court. These reimbursements include mileage, lodging, and meals served at the Conference.) This application is not for the Spring Conference, but for the Fall Conference.

This scholarship is being offered to Court Clerks who have never been able to attend a KACM conference before. If your application is accepted, then KACM will waive registration fees, pay for the motel room and possibly mileage.

This document must be completed in its entirety and submitted by August 8th, 2008.

Date: _____

Name: _____

Title: _____

Court Name: _____

Court Address: _____

City/State/Zip: _____

Court Phone Number _____ Court Fax Number _____

Please answer the following questions:

1. If selected, would you attend the Spring Conference? (Expenses reimbursed by Supreme Court.)
 Yes No
2. If selected, would your City pay for you to attend the Fall Conference the following year?
 Yes No
3. If you choose to become a regular member, would you serve on a committee or as a board member?
 Yes No
4. Please state why we should select your application.

Please return application to:

Candy Westhoff
 120 N. Ozark
 Girard, KS 66743
 620-724-6219 or **FAX: 620-724-6878**

KANSAS ASSOCIATION FOR COURT MANAGEMENT
ANNUAL BUSINESS MEETING
September 20, 2007

The K.A.C.M. annual business meeting was held Thursday, September 20, 2007 at the Courtyard by Marriott in Wichita, Kansas. President, Bettina Jamerson (Prairie Village) called the meeting to order. Roll call was taken and the following officers and board members were present: President Bettina Jamerson (Prairie Village); Vice-President Jeannine Hoheisel (Hesston), Secretary, Barb Inselman (Lenexa), Treasurer, Kristi Orbin (Shawnee); Sgt. At Arms, Rick Voisin (Towanda); Board of Trustees: Theresa Durler (Dodge City), Sherri Adams (Pittsburg), Candace Westhoff (Girard), Evelyn Thomas (Topeka); Janeice Rawles (Edgerton); Amy Spittler (Hutchinson); Alternates: Diane Clay (Fort Scott), Debbie Pickell (Gardner).

Members present were: Carol Livingston (Altamont); Shirley Stuever (Andale); Rona Downing (Atchison); Traci Dockery (Basehor); JoAnn Brown (Basehor); Rod Edmondson (Baxter Springs); Kellie Barker (Bel Aire); Quinnda McMullen (Belle Plaine); Brianne Heiman (Beloit); Edith Hulett (Beloit); Daylene Beckner (Bentley); Pat Deavours (Blue Rapids); Ellen Harper (Bronson); Carol Mast (Burlington); Terra Hummel (Chapman); Evelyn Mize (Cheney); Patty Frazier (Chetopa); Jo Johnson (Clearwater); Corene Ketzner (Colwich); Tiffany Peters (Dodge City); Vicki Akers (Douglass); Cynthia Burkemper (Eastborough); Margie Mickelson (Ellis); Stephanie Taylor (Erie); Carol Gregg (Eudora); Kim Martin (Galena); Ronda Mollenkamp (Garden Plain); Amy Hankins (Gardner); Mary Milam (Goddard); Cathy Schroeder (Goddard); Paula Flaming (Goessel); LeAnn Taylor (Goodland); Cynthia Esfeld (Great Bend); Patty Wolf (Hays); Toni Rogers (Haysville); Jeanette Ward (Hiawatha); Debbie Budig (Hill City); Sandi Reitcheck (Hoxie); Mark Chop (Kansas City); Peggy Graber (Kingman); Kimberly Jay (LaCrosse); Linda Elder (LaCygne); Cindy Broeckelman (Lakin); Caci Devine (Larned); Gwen Lewis-Jones (Lenexa); Emily Semadeni (Lenexa); Barbara Schattak (Lyndon); Deb Metzger (Lyons); Julie Wilkinson (Maize); Ruth Maschmeier (Marysville); Tina Postier (McPherson); Shelly Allenbach (Moundridge); Debbie Plew (Mulvane); Jennifer Barber (Newton); Janet Reimer (Newton); Linda Engel (Oakley); Carol Gatlin-Willey (Osawatomie); Barb Nelson (Ottawa); Veva King (Overland Park); Rebecca Smith (Overland Park); Sarah Loun (Overland Park); Frances Garman (Paola); Audra Harper (Paola); Jamie Kramer (Parsons); Pamela Lamborn (Peabody); Connie Hanke (Phillipsburg); Linda Macklin (Pleasanton); Adela Diaz (Prairie Village); Barbara Hunter (Prairie Village); Sheila Hopkins (Prairie Village); Mary Baxter (Rose Hill); Robin Neumann (Rose Hill); Jane Garman (Salina); Amanda Swolensky (Salina); Bobbie Bradbury (Salina); Tracey O'Brien (Salina); Beth Kershner (Scott City); Asa Galloway (Sedgwick); Nichi Larson (Shawnee); Dana Carney (Solomon); Katie Marcum (South Hutchinson); Sarah Ackerman-Hale (Spring Hill); Michele Mainey (Topeka); Denise Kilwein (Topeka); Sarah Britton (Ulysses); Brenda Hipps (Valley Center); Carla Rains (Wellington); Melinda Clark (Wellsville); Tammy Reed (Wellsville); Hillary Tappan (Winfield).

Additions to Agenda – None

MINUTES AND TREASURER REPORT

The minutes from the Board Meeting of July 20, 2007 were presented as printed in the K.A.C.M. newsletter and available in registration packets. Barb Nelson (Ottawa) motioned that minutes be approved as written; Jeanette Ward (Hiawatha) seconded. Motion carried.

The Treasurer's Report was presented by Treasurer, Kristi Orbin (Shawnee). The report provided in the registration packets reflected an account balance of \$17,981.78. Expenses from this fall's conference that have not yet been paid include guest rooms for speakers and K.A.C.M. President, scholarship recipients, hospitality suite, conference meals, food and drinks for hospitality suite. Expenses for the Melodrama have already been paid. Evelyn Thomas (Topeka) motioned to accept the Treasurer's Report; Sherri Adams (Pittsburg) seconded. Motion carried.

CORRESPONDENCE – A thank you card was received from Connie Sams (Ottawa) for the flowers sent for her knee surgery.

COMMITTEE REPORTS

Ambassador – Debra Metzger (Lyons) – No report. A new chairperson is needed for this committee.

Courtesy – Barb Nelson (Ottawa) – Connie Sams (Ottawa) will be having replacement surgery on her other knee. This committee is looking for a person from each region to assist with making contacts.

Education – Jeannine Hoheisel (Hesston) – There are 115 court clerks registered for the fall conference; 110 persons signed up to attend the Melodrama.

Hospitality – Janet Reimer (Newton) – Janet Reimer is not able to help with conference hospitality due to a rotator cup injury. She thanks those who helped for this conference. This committee is looking for a new chairperson and additional committee members.

Legislative – Greg Nickel (Newton) – Sheila Hopkins (Prairie Village) reported that she will serve as chairperson since Greg is now doing the newsletter. .

Membership – Rod Edmondson (Baxter Springs) – Rod thanked Shelly Allenbach (Moundridge), Amy Hankins (Gardner), and Hillary Pappan (Winfield) for their help with conference materials. There are currently 307 K.A.C.M. members; 35 new members since the last conference. Rod has been chair of this committee for 5 years and is looking for a new chairperson due to his having other City responsibilities.

Newsletter – Greg Nickel (Newton) – No report.

Promotion/Sales – Amy Spitler (Hutchison) – There are several new items for sale this year. The committee could use new members with creative ideas for merchandise.

Scholarship – Candy Westhoff (Girard) – Two clerks are attending the conference on scholarships; Pam Martin (Galena) and Paula Fleming (Goessel).

Manual – Toni Rogers (Haysville) – Manual updates were distributed spring 2007. The committee will meet next year; please notify the committee or email Toni of any mistakes or other updates that need to be made.

Past Presidents Committee - Sherri Adams (Pittsburg) – No report.

Historian – Candy Westhoff (Girard) – The committee will be taking pictures during the conference.

OLD BUSINESS

Three names are presented for lifetime memberships:

 Sherri Stevens (LaCrosse) retired June 30, 2007; court clerk since 1987

 Karen Kuffler (Parsons) retired August 1, 2007; court clerk since 1996

 Phyllis Gillihan (Olathe) retired September, 2005

Linda Engel (Oakley) motioned that these names be accepted for lifetime memberships; Toni Rogers (Haysville) seconded. Motion carried.

NEW BUSINESS

It was mentioned that Debbie Pickell (Gardner) will be retiring in January 2008 after 20 years as a court clerk and 30 years with the City of Gardner.

Sherri Adams (Pittsburg) presented the annual Outstanding Court Clerk Award to Carla Rains (Wellington).

Sherri Adams (Pittsburg) presented the Slate of Officers and asked for any additions from the membership. The Slate includes:

President	Bettina Jamerson (Prairie Village)
Vice President	Jeannine Hoheisel (Hesston)
Secretary	Barbara Inselman (Lenexa)
Treasurer	Kristi Orbin (Shawnee)
Sgt. Of Arms	Rick Voisin (Towanda)
Trustees:	Immediate Past President Sherri Adams (Pittsburg)
	Candy Westhoff (Girard)
	Theresa Durler (Dodge City)
	Janeice Rawles (Edgerton)
	Evelyn Thomas (Topeka)
	Amy Spitler (Hutchinson)
Alternate Trustees:	Diane Clay (Fort Scott)
	Adela Diaz (Prairie Village)

Carla Rains (Wellington) motioned that the Slate be accepted as presented; Merry Baxter (Rose Hill) seconded. Motion carried. Sherri Adams (Pittsburg) conducted the Installation of Officers.

The new members to K.A.C.M. since last fall's conference were introduced by President Bettina Jamerson (Prairie Village):

Garrett Moses (Alta Vista)	Renee Geyer (Leoti)
Darcy Higgins (Baldwin City)	Darlene Porter (Leoti)
Daylene Beckner (Bentley)	Barbara Schattak (Lyndon)
Ellen Harper (Bronson)	Amy Nelson (Mission)
Carol Mast (Burlington)	Stella Lambert (Nickerson)
Patty Frazier (Chetopa)	Anne Piatt (Neodesha)
Connie West (Deerfield)	Rebecca Smith (Overland Park)
Stephanie Taylor (Erie)	Karen Maisch (Overland Park)
Abbie Aldridge (Fairway)	Frances Garman (Paola)
Tiffany Jones (Fredonia)	Jamie Kramer (Parsons)
Kim Martin (Galena)	Connie Hanke (Phillipsburg)
Cathy Schroeder (Goddard)	Robin Neumann (Rose Hill)
Cindi Fercking (Holcomb)	Johnna Stanford (St. John)
Tracy Davis (Holcomb)	Asa Galloway (Sedgwick)
Sherri Leonard (Hugoton)	Melissa Byers (Shawnee)
Kimberly Jay (LaCrosse)	Sarah Britton (Ulysses)
Janelle Jones (Leon)	Brenda Hipps (Valley Center)
	Tammy Reed (Wellsville)

The spring 2008 conference will be held in Hutchinson at the Grand Prairie Hotel. The hotel has an indoor water park and a new attraction in Hutchinson is Salt Mine Museum. Also check out the Cosmosphere.

Amy Spittler (Hutchinson) made a motion to adjourn. Shelly Allenbach (Moundridge) seconded. Motion carried; meeting adjourned.

Legislative News

By Sheila Hopkins

ALL DOCKET FEES, INCLUDING REINSTATEMENT FEES & MUNICIPAL COURT APPEALS FEES, INCREASED BY \$9.00:

This becomes effective July 1, 2008. The purpose of this is to fund a judicial branch nonjudicial salary adjustment fund. Examples: reinstatement fees will be \$59.00. Municipal court appeal fees will be \$71.50. *HB 2968*.

BOND FORFEITURE ORDER IS EFFECTIVE WHEN PRONOUNCED FROM BENCH:

In State v. Jones, the Kansas Supreme Court held that the judge is required by the statute to order the bond forfeited upon a defendant's failure to appear and that order is effective upon pronouncement from the bench. The date the surety pays has no impact on determining the date of the forfeiture.

DMV CAN DESTROY RATHER THAN RETURN SURRENDERED DRIVERS' LICENSES: HB 2665 amends K.S.A. Sect. 8-257 to allow the DMV to destroy drivers' licenses that are required to be surrendered due to suspension or revocation. Previously, the law required the division to keep and return the licenses at the end of the suspension/revocation.

BREATH TEST CALIBRATION OR CERTIFICATION DOCUMENTS, OPERATOR CERTIFICATION DOCUMENTS, AND DRIVING RECORDS ARE NOT 'TESTIMONIAL' EVIDENCE. THEY MAY BE OFFERED WITHOUT AN ACCOMPANYING WITNESS FOR CROSS-EXAMINATION. State v. Dukes (January 18, 2008).

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OFFICER'S MISTAKE OF LAW CAN INVALIDATE A TRAFFIC STOP. HOWEVER, IT DOES NOT INVALIDATE THE DRIVER'S LICENSE ACTION TAKEN BY THE DEPARTMENT OF REVENUE FOLLOWING SUCH A STOP: In Martin v. Kansas Dept. of Revenue (February 1, 2008), defense argued in his administrative driver's license hearing that since the officer's stop was unlawful, the basis for the suspension of his driver's license was invalid. The Kansas Supreme Court held that the exclusionary rule had no application in driver's license hearings.

IT IS LAWFUL TO STOP A VEHICLE IF THE TAG IS NOT ON THE REAR OF THE VEHICLE AS REQUIRED BY KANSAS LAW, EVEN IF THE TAG IS PROPERLY DISPLAYED PER THE LAW OF ITS LICENSING STATE. In U.S. v. Martinez, the Tenth Circuit found that, although the Kansas motor vehicle reciprocity statute (K.S.A. Sect. 8-138a) allows an out-of-state licensed driver the privilege of operating a motor vehicle in Kansas, it does not regulate the 'manner' in which the vehicle is operated.

PROSECUTION IS NOT REQUIRED TO SHOW THAT THE OFFICER CONDUCTING THE BREATH TEST HAS READ THE MANUFACTURER'S OPERATIONAL MANUAL AND COMPLIED WITH SAME IN ORDER TO ADMIT BREATH TEST RESULTS. State v. Wenzel (March 7, 2008).

PROSECUTION CAN WAIVE PROBATION VIOLATIONS IF THERE IS NO EVIDENCE THAT THERE WERE ANY ATTEMPTS TO SERVE THE PROBATION VIOLATION WARRANT. State v. Myers (March 14, 2008).

DISCOVERY OF AN OUTSTANDING ARREST WARRANT FOLLOWING AN UNLAWFUL SEARCH OR SEIZURE MAY OR

MAY NOT REQUIRE SUPPRESSION OF EVIDENCE OBTAINED SUBSEQUENT TO SAID ARREST: In State v. Martin (March 28, 2008), the Court concluded "The discovery of an outstanding arrest warrant does not always automatically wipe the slate clean for an officer unlawfully detaining the subject of the warrant. On the other hand, an unlawful detention that begets knowledge of an outstanding warrant does not always immunize the fugitive from prosecution for crimes discovered during the warrant arrest. In that regard, we note that the exclusionary rule is not absolute."

DEFENDANT HAS A RIGHT TO APPEAL EVEN WHEN HE PLEADS GUILTY BEFORE THE MAGISTRATE: In State v. Gillen (April 18, 2008), the Court held that the defendant did have the right to appeal a guilty plea. The right to an appeal is strictly statutory. With regards to appeals from both magistrate courts and municipal courts, the law is clear that a "judgment" is the pronouncement of guilty and the determination of punishment. The plea is irrelevant.

FOLLOWING A LAWFUL TRAFFIC STOP AN OFFICER CAN ASK THE DRIVER IF HE HAS BEEN DRINKING BEFORE ADVISING HIM OF HIS MIRANDA RIGHTS: In State v. Vanek (April 18, 2008), the issue was whether or not the driver's statements about his drinking should be suppressed because he was not given the Miranda warning prior to that initial questioning by the officer. The Court found that during a lawful traffic stop, a law enforcement officer is not required to 'Mirandize' an individual before asking routine investigatory questions where the individual is not in legal custody or deprived of his/her freedom in any significant way. This is true even though the officer suspects the individual may have committed a crime and even though the individual is not free to leave during the lawful detention.

MEMBERSHIP COMMITTEE UPDATE

Shelly Allenbach, Moundridge
Amy Hankins, Gardner
Hillary Pappan, Winfield
Sarah Ackerman – Chairwoman
ackermans@springhillks.com
913-592-2746

In February, Bettina announced our new membership chair to the board with the following email. It is a bit less formal than a typical newsletter announcement, but catches the spirit of Sarah's enthusiasm for the job and helps us get to know her a little. We are very glad to have Sarah filling this role and encourage everyone to find an opportunity to meet her personally.

We have a Membership Chair!!! Sarah Ackerman of Spring Hill. She's been a clerk about one year, but is very excited about getting involved in KACM. She said she sat by Barb Inselman at the conference and really enjoyed her company (said she's so funny!) and she's looking forward to meeting more of the members. I will be getting all of the supplies to her next Tuesday, so any membership updates will need to go to her.

Sarah did sign up for the Hospitality Committee at the last conference and has asked to be removed from that committee since she'll be a little busy with membership. :)

Hope everyone is well and warm. It's icy here with a sleet/snow mix. Kids are out of school on the MO side, but in school on the KS side. Go figure! Take care!!

Welcome New Member

We are always very happy to welcome members into our association. We want to use the newsletter to welcome them and as an opportunity to get to know them. We have had a host of new members recently and regret that we haven't had the opportunity to introduce them all to you... but we will at least give the introduction that is available:

Jenny D'Achiardi started with Lenexa Municipal Court this past February. She had previously worked for a defense attorney but came to Lenexa after spending a year in Madrid teaching English as a second language. Jenny was recently married and met her husband, Simon, an English gentleman, while she was working in Spain.

Jenny loves learning about new cultures, watching movies, and eating out. Her favorite book is *Gone With the Wind* and if she could travel anywhere, it would be to Almunecar, Spain. Give Jenny \$1,000, and you'll find her shopping at the Pet Connection, an animal rescue shop!

K.A.C.M. Blackboard

Julie Wilkinson (court clerk in Maize) – Our thoughts and prayers are still with Julie Wilkinson as her husband continues to recover. Julie's husband was taken to ER in early November and has been battling for his life against sepsis, a staph infection in the blood, and other serious medical complications. He was able to finally return home in late March.

After his return home and after receiving good news from both the knee doctor and infectious disease doctor, Julie sent an email saying, "I'm feeling very worn out but so happy!!!! The Lord has provided us a miracle!!!!!!!"

Congratulations:

Sarah Loun, of Overland Park, gave birth to a baby girl April 29th at 12:18 AM. Her name is Ella Marie. She's 8 lbs. 6 oz and is 20 inches long. Both mother and baby are doing well.

Condolences:

To Julie Ammel of Overland Park. Julie's father past away April 17, 2008.

To Debra Metzger (Lyons), whose mom passed away.

To Evelyn Thomas, whose Grandmother in Mississippi passed away.

If your court has a change of personnel, please let us know so we can update our records.

The current membership list is downloadable on our website at www.ksmunicipalcourts.com/memberlist.htm. Please feel free to reference this webpage to contact other clerks. If you have any questions concerning your membership status or information, please give us a call or e-mail.

If you know of someone retiring or has retired this year, please let one of the board members know their name and date of retirement. Life memberships are voted on at the Annual meeting in the fall. We have two so far, Debbie Pickell (Gardner), and Melinda Clark (Wellsville).

Congratulations:

Candy Westhoff has a new grandbaby! Her daughter, Melissa, had a baby boy Wednesday, April 9, 2008. Kampman Jed Schanz (KJ for short) weighed in at 9 lbs. 12 ounces! and 21 inches long. He is Melissa's 4th baby and Candy's 9th grandchild!! Mom and baby and family are doing well.

Do you have News? The KACM Blackboard relies on you for information. If you have babies, surgeries, celebrations, losses, or other events that are significant to your life, or to the life of a clerk you know, please let us share it with other KACM clerks.

Congratulations: Merry Baxter (Rose Hill) is graduating!

The Faculty and Graduating Class of Newman University announce

Merry Lee Baxter is a candidate for the degree of Associate of Science in Paralegal Studies

at the Commencement Exercises Saturday morning, May tenth Two Thousand Eight at ten o'clock Central Community Church 6100 West Maple, Wichita, KS

KANSAS ASSOCIATION FOR COURT MANAGEMENT

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Visit our website at:

www.ksmunicipalcourts.com

Have a great Spring!

**Fall Conference:
September 18 & 19
Junction City**