



The K.A.C.M. Docket

Volume 61

October, 2010

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THE PRESIDENT'S CORNER

By Barbara Inselman



Thank you to all those members that were able to attend the fall conference in Hays. Gorgeous weather for the drive through the Flint Hills and western plains of our State! There were several great speakers at the conference including Anna Eidson, with her Georgia drawl, who gave an empowering presentation on enriching our lives by recognizing the many positive attributes of our personalities. She coached that others think you are fabulous and see all your great characteristics but we often let one little thing that we view as a short-coming have control

over how we look at ourselves.

Mickey DeHook returned to KACM to give self defense tips for women. Mickey had presented to our group in Wichita several years ago and was just as entertaining as ever. Janette Meis, the State Director of the Kansas Court Appointed Special Advocates (CASA), had some very interesting information on the services her agency provides to children, a number of which are offered through CASA volunteers. While many municipal courts may not be involved with child services, being aware and having knowledge of other State agencies helps us to do our jobs better. CASA is always looking for volunteers so if you are interested in being an advocate for a child in the court system, get more information from your local CASA office at www.kansascasa.org

Marcy and Kelly provided updates from the DMV and answered our many questions. Marcy informed us of some upcoming changes for coding on electronic abstracts which will be taking effect in January 2012. Information will be coming from the DMV and through the KACM Docket so be sure to read upcoming issues. Marcy was also pleased to inform us that they were within a week of getting caught up with certified driving records. Having to process up to 4,000 driving record requests each week is an overwhelming job so this is a major accomplishment for her office.

(continued, page 2)

(president's corner, continued)

Thursday evening began with a western B-B-Q dinner and music from the Charlie Imhoff band. The comedy team of Smith and Nokes then took the stage. After their hilarious act, Little Lottie and Ma enticed a few from our group to sing some rock and roll and then everyone was on their feet for a dance routine. Ours was a lively crowd!



After the annual business meeting, the slate of officers were sworn in to include Shelli Adams as Vice President; Kristi Orbin, Treasurer; Kim Clinkingbeard, Secretary; Rick Voisin, Sgt. At Arms; and I moved into the President position. We appreciate the hard work Jeannine Hoheisel has put in as our President these past two years and extend a huge thank you for the excellent job she has done. KACM will continue to benefit from her service as Bettina Jamerson passes the baton of Past President on to Jeannine. Appreciation is also extended to all the committee members that made the conference happen. These members are to be commended for the time they provide to the association in addition to working hard every day for their cities. Much gratitude is extended to Traci Dockery and her committee for their many fabulous hospitality rooms. Traci has stepped down as our chairperson and the association will really miss her fun games, theme decorations and tasty snacks. There is still an opening for a hospitality chairperson if anyone would like to step up and take the challenge!

The spring Office of Judicial Administration (OJA) training and conference will be held on Thursday, March 31 and Friday, April 1, 2011 at the Ramada Inn Hotel in Topeka. Be sure to encourage any new court clerks to attend the Thursday training session and mark your calendars to be at the Friday conference. Applications for the Polly Mains Scholarship Fund can be submitted for a second clerk from your court to attend. The scholarship application is available on the KACM website at www.ksmunicipalcourts.com and will be in the winter KACM newsletter. Contact Kelli Barker in Bel Aire with any questions about the scholarship program.

Next year will be KACM's 25th anniversary so if you have any great ideas for the big celebration at the fall

anniversary ideas for the



conference, please contact Shellie Adams or myself. The event is already stirring up lots of excitement so make plans now to be there!

New Committee Chairs

We are very grateful to our committee chairs for all their hard work. The new committee chair list for the 2010-2011 year is as follows:

Ambassador	Diane Clay (Ft. Scott)
Courtesy	Barb Nelson (Ottawa)
Education	Shelli Adams (Derby)
Historian	Candy Westhoff (Girard)
Hospitality	No chair
Legislative	Gail Garrett (Lansing)
Manual	Toni Rogers (Haysville)
Membership	Nioma Cook (Andover)
Newsletter	Greg Nickel (Newton)
Past Presidents	Jeannine Hoheisel (Hesston)
Promotion	Amy Spitler (Hutchinson)
Scholarship	Kellie Barker (Bel Aire)

Restitution Collection: Samuel McMaster Jr. pleaded guilty to securities fraud in August in Albuquerque but struck a deal with prosecutors to enable restitution to his two dozen victims. McMaster fancies himself an expert at poker, and the judge agreed to withhold sentencing for six months to let McMaster prove he could earn at least \$7,500 a month for his victims at Las Vegas poker tables.



KANSAS ASSOCIATION FOR COURT MANAGEMENT
ANNUAL BUSINESS MEETING
September 24, 2010

The KACM annual business meeting was held Friday, September 24, 2010 at the Hays Ramada Conference Center in Hays, Kansas. President Jeannine Hoheisel called the meeting to order, roll call was taken by Trustee, Bettina Jamerson. The following officers and board members were present: President Jeannine Hoheisel, Hesston; Vice President, Barb Inselman, Lenexa; Treasurer, Kristi Orbin, Olathe; Sgt. At Arms, Rick Voisin, Towanda; Board of Trustees: Bettina Jamerson, Prairie Village; Theresa Durler, Dodge City; Janeice Rawles, Edgerton; Amy Spitler, Hutchinson; Candace Westhoff, Girard. Alternate Trustee: Diane Clay, Fort Scott.

Members present were: Peggy Ybarra, *Altamont*; Nioma Cook, *Andover*; Kim Waldrop, *Arkansas City*; JoAnn J. Brown, *Basehor*; Traci Dockery, *Basehor*; Rodney Edmondson, *Baxter Springs*; Kellie Barker, *Bel Aire*; Quinnda McMullen, *Belle Plaine*; Brianne Heiman, *Beloit*; Edith Hulett, *Beloit*; Pat DeMelo, *Blue Rapids*; Ellen Harper, *Bronson*; Carol Mast, *Burlington*; Evelyn Mize, *Cheney*; Jo Johnson, *Clearwater*; Vicki Akers, *Douglas*; Debbie Smith, *El Dorado*; Margie Mickelson, *Ellis*; Stephanie Taylor, *Erie*; Kim Martin, *Galena*; Ronda Mollenkamp, *Garden Plain*; Mary Milam, *Goddard*; Cathy Schroeder, *Goddard*; LeAnn Taylor, *Goodland*; Tiffany Hunter, *Harper*; Kolleen Dome, *Hays*; Patty Wolf, *Hays*; Brenda Jamison, *Hoisington*; Sandi Reitcheck, *Hoxie*; Kim Jay, *La Crosse*; Cindy Broeckelman, *Lakin*; Gwen Lewis-Jones, *Lenexa*; Kim Clinkingbeard, *Liberal*; Barbara Schattak, *Lyndon*; Debbie Metzger, *Lyons*; Sara Butterfield, *Maize*; Kimberly Perry, *McLouth*; Vonda McCullouch, *Meade*; Shelly Allenbach, *Moundridge*; Deb Plew, *Mulvane*; Anne Piatt, *Neodesha*; Linda Engel, *Oakley*; Carol Gatlin-Willey, *Osawatomie*; Janet Mitchell, *Overland Park*; Jamie Paz, *Overland Park*; Carmela Derritt, *Overland Park*; Barbara Hunter, *Prairie Village*; Rebecca Dyer, *Prairie Village*; Sheila Hopkins, *Prairie Village*; Cristan Gottschalk, *Russell*; Tracy O'Brien, *Salina*; Joye Back-Smith, *St. George*; Sharon Lock, *Scott City*; Asa Galloway, *Sedgwick*; Mary Dalton, *Shawnee*; Sarah Britton, *Ulysses*; Brenda Hipps, *Valley Center*; Carla Rains, *Wellington*; Tammy Reed, *Wellsville*; Hillary Pappan, *Winfield*.

Absent: Board member Shellina Adams, Secretary.

Additions to agenda-None.

MINUTES AND TREASURER REPORT

The minutes from the July 16, 2010 Board Meeting were in the conference packets. Linda Engel made a motion to accept the minutes as presented. Rick Voisin seconded the motion. Motion carried.

The Treasurer's Report was presented in the conference packets. It was reported that the books were audited by Greg Nickel and Diane Clay. Shelly Allenbach made a motion to accept the Treasurer's report and the audit as presented. Jo Johnson seconded the motion. Motion carried.

CORRESPONDENCE: Nothing to report.

COMMITTEE REPORTS:

Ambassador: Diane Clay had no report, but breakout sessions were held on Thursday at 4:00 p.m. with those sessions divided up by region.

Courtesy: Barb Nelson was not present during the meeting.

Education: Barb Inselman had no report.

Historian: Candy Westhoff reported that she is working on some sort of history book for the 25th Anniversary. She's open to ideas and suggestions.

Hospitality: Tracy Dockery reported that there were snacks left over from the Hospitality Suite and invited clerks to pick some up for their drive home.

Legislative: Gail Garrett was not present but provided extensive information in the last newsletter.

Manual: Toni Rogers was not present. Jeannine reported that the manual was updated earlier this month. It is being finalized and will be updated online with information regarding which parts were updated.

Membership: Nioma Cook had no report.

Newsletter: Greg Nickel was not present. No report.

Past Presidents: Bettina Jamerson advised that an Outstanding Clerk was selected, however they were unable to attend the conference and the award would be presented at the January 2011 Board Meeting.

Promotion/Sales: Amy Spitler reported that she is gearing up for the 25th Anniversary with new items.

Scholarship: Kellie Barker reported that four scholarships were awarded, however only two were able to attend. The Silent Auction and 50/50 pot went well.

OLD BUSINESS

Scanning KACM documents onto disc: Amy Spitler will begin scanning all Board Meeting Minutes and Annual Business Meeting Minutes

NEW BUSINESS

Life time membership to: Kay Gamble (Olathe), December 2009. Mary Dalton made a motion to accept and Hillary Pappan seconded the motion. Motion carried.

Slate of Officers for 2010-2011 was presented by Bettina Jamerson. Shelly Allenbach made a motion to accept the slate as presented. Debbie Metzger seconded the motion. Motion carried.

Installation of new officers was conducted by Bettina Jamerson.

Introduction of new members was made.

Shelby Beightel, Topeka
 Amy Zortz, Weir
 Shanna LaJoye' Back-Smith, St. George
 Brenda A. Jamison, Hoisington
 Kolleen Dome, Hays
 Susan Crosby, Sterling
 Cristan Gottschalk, Russell

Linda Herrera, Edwardsville
 Jamie Loughmiller, Gardner
 Michelle Raaf, Holton
 Amy Rutz (Associate Membership) Hope, KS
 Sean Johnson, Leawood
 Sherry Stevenson, Leon
 Carole Hopkins, Pamona

The spring conference will be in Topeka on March 31 and April 1, 2011.

Amy Spitler made a motion to adjourn. Kellie Barker seconded. Motion carried. Meeting adjourned.

Respectfully submitted;

Bettina Jamerson, Trustee

Membership Committee Update

Nioma Cook – Andover - Chairman
ncook@andoverks.com

Hilary Pappan, Winfield
hpappan@winfieldks.org

Please welcome our new KACM Members,

Linda Herrera, Edwardsville
 Jamie Loughmiller, Gardner
 Michelle Raaf, Holton
 Amy Rutz, Hope
 Sean Johnson, Leawood
 Sherry Stevenson, Leon
 Carole Hopkins, Pamona
 Shelby Beightel, Topeka
 Amy Zortz, Weir
 Shanna LaJoye' Back-Smith, St. George
 Brenda A. Jamison, Hoisington
 Kolleen Dome, Hays,
 Susan Crosby, Sterling,
 Cristan Gottschalk, Russell

Also, would like to announce that Kay Gamble from Olathe has retired.

If I have missed any new clerks, or retirements please let me know. I do not want to miss anyone. My e-mail address is ncook@andoverks.com



New Members at the conference, Cristan Gottschalk (Russell), Shanna LaJoye' Back-Smith (St. George), Brenda A. Jamison (Hoisington), & Kolleen Dome (Hays)

SETOFF PROGRAM and KDRS

TRAINING NOTICE – FALL 2010

Training is being offered for those interested in learning more about the Setoff Program and KDRS.

Training will begin at 9 am and will last 3 to 3½ hours in length. There is no cost associated with the training. Click here to register: [Setoff Program Registration](#)

If you register and must cancel, please notify [KSSetoff](#) , so we can remove you from the registration.

A wide variety of subjects will be covered in the course of the training. Included in the training will be explaining Setoff and its origination, how things work in setoff, becoming acquainted with the debtor and debt record, broader insight of the search criteria, and the general awareness of the different links within the records and how they relate to each other.

If you have trouble with the link above, please go to our website at <http://www.da.ks.gov/ar/setoff/TrainingNoticeFall2010.htm>

If you continue to have problems, please call Verna at 785-296-2924.

TRAINING DATES and LOCATIONS

Oct 19 – Dodge City - Dodge City Community College
 2501 N 14th Ave, Student Union – Santa Fe Room

Oct 21 – Overland Park – KU Edwards Campus
 12600 Quivira Road – Located at 127th and Quivira Road
 (South of I-435 and Quivira) (East of I-35 and W 127th St)
 Regents Center, Room 108 (located on 1st floor)

Oct 26 – Salina – Kansas Wesleyan University
 100 E Claflin Ave, Peters Science Hall Room 305

Oct 27 – Hays – Ft Hays State University
 600 Park Street, Memorial Union
 Black and Gold Room 2nd Floor

There have been a number of listserv questions about bonding – it is a topic that directly affects cases in our courts and one worth understanding a little more fully. We are fortunate to have a bondsman, Stephen Owens, who is willing to write a few articles about bonding. Those of you who work in courts near Newton are familiar with Mr. Owens – he is very capable, professional, and knowledgeable about his profession. We are very grateful for his willingness to share his experience with us via these articles. The following article is, we hope, the first in a series about bail bonds.

Bail Bonding Basics



Let me take a moment to introduce myself. My name is Stephen Owens. I own and operate Owens Bonding Company and am the Managing Direct Agent for AIA Surety in the State of Kansas. My corporate office is located in Newton, Kansas. I have been in the bail bonding business for nearly 10 years and manage 13 agents across the State of Kansas. I am actively engaged as representative of this industry and set on the Board of the Kansas Bail Agents Association.

I regularly receive questions about my profession. What is a bondsman? How does it work? Why did you become a bondsman? These are just a few questions that I answer on a regular basis from individuals, groups and companies. I enjoy having the opportunity to share what I do, whether speaking to one person or a hundred, it is important for me to share the message of bail bonding so that people can become educated.



Bail Bonding is a very misunderstood profession with roots dating back to 1275ad. First Statute – Statute of Westminster (1275) set bailable and non-bailable offenses. In early Colonial America, laws were based on English law. It wasn't until 1776 in the Constitution of Virginia that bail was further defined. It stated that "Excessive Bail ought not be permitted." In a 1785 update it stated "Those shall be let to bail who are apprehended for any crime not punishable in life or limb, if punishable by life or limb, or if it be manslaughter and there be good cause to believe the party is guilty thereof, he shall not be admitted to bail." The most notable is the 8th Amendment of the US Constitution that states "Be informed of the nature and cause of the accusation and thus enabling a suspect to demand bail if accused of a bailable offense." Bail laws have continued to be redefined throughout history.

Bail Bondsmen serve a very important function within the criminal justice system. As the third-party accountability system for the courts, it is our responsibility to ensure defendants are held accountable for the crimes alleged. This is not only important for the court system, it is even more important to the victims of the crimes.

When an individual is charged, they are taken to jail and a bond amount is set based on the crime committed. That defendant then has the option to post the bond. The dollar amount of the bond is set based on the severity of the crime of which the defendant is accused.

Whether it's a \$1,000 bond or a \$100,000 bond, the defendant has the option to have family come and hand the cash over to the jail to secure release. Most of the time, the defendant doesn't have the cash accessible to post the bond, so they hire a bondsman. The bondsman charges 10% of the bond to secure their release and issue a promise to the court that if the defendant doesn't appear, the bond will be paid. It then becomes our responsibility to make sure the defendant is held accountable and appears in court.

In some instances, the defendant can be released on an Own Recognizance Bond. Under this method, the defendant is released for free and issues a "promise" to the court that they will appear. If the defendant fails to appear, a warrant is issued. There is no collection of funds from a bondsman and the court hopes the defendant will get arrested.

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As a managing direct agent, it is my responsibility to ensure that each one of my agents represent themselves and our industry in such a way that it exemplifies professionalism and the importance of what we do.

In future articles, I would like to answer any questions that you may have. Have you ever wondered why we do what we do? Please, feel free to email me any questions that you have and I will find the answer.

Stephen Owens (Stephen@owensbonding.com)

Legislative News

By Gail Garrett

One might expect the months between legislative sessions to go by peacefully and quietly. One would be wrong.

The past couple of months have seen all the new 2010 state laws go into effect, and have left a bunch of court clerks (well, this one, anyway) scratching their heads wondering exactly how to make sense of it all.

Our new seat-belt law has gotten quite a bit of attention, because it seems few cities are actually following the \$5-and-no-court-costs provision as laid out in the statute. Some cities decided to stick with their old fines for seat belt violations rather than the new statutory amount, while other cities have opted for the statutory fine and then added court costs. It's reported that at least one city has both raised the fine *and* added court costs. As far as I can tell, the reasoning is that, since the statute doesn't specifically prohibit cities from charging more, it would be more cost-effective to leave the fines at the higher amount. I expect that some in the legislature are going to push for re-visiting this matter because they weren't anticipating the new law to be used as a revenue generator.

In reviewing my report for the last newsletter, I found that I left out a rather big bullet point under the notes for HB2656. This was the law about counting days (and thanks, Greg, for the great clip-art of the Count from Sesame Street!), and I gave 2 examples of how that can affect municipal courts. I neglected to mention the time to file an appeal in district court from a municipal court ruling; that's now 14 days instead of 10. Probably old news, but I wanted to mention it just in case.

We have been given an opinion from the Revisor of Statutes that HB2528 (regarding forfeiture of appearance bonds, amending KSA 22-2807) does not apply to municipal courts; it is applicable to district courts only. The opinion states that bond forfeitures in municipal court are governed by KSA 12-4303, and that if the legislature intended the new law to apply to municipal courts, it would have specifically amended 12-4303 along with 22-2807. Commentary in the Summer 2010 issue of KMJA's The Verdict agrees with the Revisor's opinion, but other sources have taken the position that the new law applies to ALL courts. The supplemental notes for the statute don't indicate a clear intent either way, so I can easily see additional discussion and perhaps some "clean-up" of the statutory language to clarify the legislature's intent.

And speaking of "clean-up"... There's been a lot of discussion about suspending the driver's license of a person convicted in a municipal court for unlawful possession of marijuana while transporting that substance. KSA 21-4603d(o) requires a 1-year driver's license suspension for anyone convicted of violating KSA 21-36a06 (unlawful possession of a controlled substance) if the violator possessed and transported the substance on a Kansas street or highway. The question initially was whether it was up to the judge/court to order the suspension, or if the DMV would automatically do it when a conviction was reported. Then the question became how to report a conviction, then there was uncertainty as to whether the statute even applied to municipal court convictions. An attorney at the DMV informed us that it is their position that the statute does not apply to us. Since a municipal court conviction for marijuana possession is effected via city ordinance, rather than by state



(continued, next page)

statute, the requirement in KSA 21-4603d(o) is never triggered. I expect that the legislature will re-visit this issue also, because (in Greg Nickel's words) "inconsistent consequences to identical offenses based on the 'luck of the jurisdictional draw' just don't make sense." I couldn't have said it better myself, so I didn't even try....

That about sums it up for now; we've got elections coming up so there will be new faces and new agendas floating around Topeka come January. We'll have to wait until then to see if the last legislative session was a fluke or if they were just getting started with changes that affect how our courts operate.

Ambassador Committee News: Below is a list of regions and ambassadors. If you are undure of your region, feel free to email Diane Clay at dclay@fscity.org.

REGION	NAME	CITY	PHONE	EMAIL
I	Kaylene Nickelson	Wakeeney	785.743.5511	knlegalassist@yahoo.com
	Linda Engel	Oakley	785.672.3611	oakleyap@ruraltel.net
II	Jerry Sperling	Lindsborg	785.227.3355	jls@lindsborgcity.org
	Jane Eilers	Salina	785.826.7230	jane.eilers@salina.org
III	Janeice Rawles	Edgerton	913.893.6231	edgertonkcourt@yahoo.com
	Barb Inselman	Lenexa	913.477.7600	binselman@ci.lenexa.ks.us
IV	Theresa Durler	Dodge City	620.225.8107	theresad@dodgecity.org
	Doris Kohn	Dodge City	620.225.8107	dorisk@dodgecity.org
V	Jo Johnson	Clearwater	620-584-2317	johbj@clearwaterks.org
	Debbie Plew	Mulvane	316-777-9515	DPLEW@MulvaneKansas.com
VI	Sherri Adams	Pittsburg	620.231.9880	sherri.adams@police.pittks.org
	Diane Clay	Fort Scott	620-223-0550	dclay@fscity.org

Coerced Testimony??: Bruce Tuck, who confessed in December to a series of rapes in Martin, Tenn., and was sentenced to 60 years in prison (and who faces still more charges), tried to withdraw his confession in June, complaining that he was not of sound mind at the time because, though weighing 275 pounds, he was being held in jail on a "lettuce-only" diet. Thus, he said, he was unusually vulnerable when a detective offered him a bag of chips to admit to the charges.



Reliable Informants Needed: Police in New Albany, Ind., arrested two alleged counterfeiters in August but believed that a much bigger operation was in play. Subsequently, the Indiana State Police made a public plea for informants, focusing on the people most likely to be cheated by counterfeit money: local drug dealers. "What we are asking today," said ISP Sgt. Jerry Goodin, "is we want all the drug dealers to call us. We want to get all of your information and exactly what happened in (any of your dealings)." Goodin added, "Trust us."

K.A.C.M. Blackboard

Kay Gamble (Olathe) and **Corene Ketzner** (Colwich) have retired. Enjoy your next adventures in life!



Sheila Sheridan and **Jackie Leon** just started working at the Merriam Municipal Court and are looking forward to meeting everyone at the spring conference.

Gwen Lewis-Jones (Lenexa) became a first-time grandmother on October 2nd with the birth of her grandson, Sage. Her son and daughter-in-law, Mike and Melissa, are the proud new parents

Personal News? Please let us know if you, or a clerk from your city has news to share with the rest of us – we want to know! The can be news of retirement, new babies, marriage, medical concerns, or anything.. Send an email to Barb Nelson at bnelson@ottawapd.org.

2010 Conference Pictures



Fighting Dirty Session



Quinna & Rick

2010 Conference Pictures (...continued)



Amy with winning ticket!



Rod With Singers



"Girls with Singers"



Passing the Baton: Thank you Jeannine for all your hard work, you did a great job as president! We look forward to the future with Barb's leadership.

Our Goals

Find out more about KACM on our website at www.ksmunicipalcourts.com, which includes a listing of our goals as follows:

- Continuing education for Court Managers, Clerks, Administrators, and Assistants
- Interaction between members with problem-solving ideas
- Organization input into Legislation that will affect Municipal Courts
- An organized voice to State agencies
- Consistency within the Municipal Courts
- Promoting public trust and confidence

Your Board Members



Board Members & Trustees



**Barb Insleman
President**



**Shellina Adams
Vice President**



**Kristi Orbin
Treasurer**



**Kim Clinkingbeard
Secretary**



**Rick Voisin
Sgt at Arms**

KANSAS ASSOCIATION FOR COURT MANAGEMENT

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Visit our website at:

www.ksmunicipalcourts.com

Upcoming Dates:

Spring Conference

Topeka

March 31 - April 1, 2011