

The K.A.C.M. Docket

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THE PRESIDENT'S CORNER

By Barbara Inselman



The holidays came way too quickly again this year! I trust everyone had a wonderful holiday season with all the special blessings that are shared among family and friends.

Shelli Adams is already working on our fall conference and 25th anniversary celebration. The event will be held at the Wichita Marriott, Corporate Hills Drive, on September 29th & 30th. Get this marked on your calendars because you won't want to miss what's sure to be a festive and memorable KACM event!

The spring training conference hosted by OJA is scheduled for March 31st and April 1st at the Ramada Inn Hotel in Topeka. The training for new municipal court clerks is conducted on Thursday with the conference for all Kansas municipal court clerks on Friday. Denise Kilwein always puts together a great training and educational program. OJA provides the travel expenses for clerks who are new in their positions so be sure to pass along the information if you're aware of a new court clerk in your region.

In November, I participated in a conference call with the National Association for Court Management (NACM) regarding state associations and whether they were experiencing a reduction in memberships. Due to budget reductions in many courts, association memberships and conference attendance numbers are reported to be on the decline. Representatives from several states indicated they have implemented incentives such as decreasing the number of days that they hold their conference, offering early bird conference registrations and reducing student membership fees as ways to maintain or increase participation. One representative suggested that NACM look at partnering with states to offer a joint state and NACM membership with a reduced membership fee. A sub-committee was developed to further investigate this as

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(president's corner, continued)

a possibility. If you aren't familiar with NACM, take a few moments sometime to look at their website at www.nacmnet.org.



KACM also wants to extend congratulations to Judge Karen Arnold-Burger from Overland Park who was recently appointed to the Kansas Court of Appeals. Judge Arnold-Burger has been immensely supportive of KACM and always a tremendous resource. We appreciate the guidance and education she has provided to our association on numerous occasions.

Committee Chairs

We continue to appreciate those serving as leaders in our organization. These folks are great resources for questions about anything relating to our organization:

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)

Opportunity: The education committee would love to have more members. This is a fun committee that works on pieces for the conferences. Please contact Shelli Adams at 316-788-1511 or shelliadams@derbyweb.com. Don't be shy!

Sporty Cars Get More Tickets?

Does the car you drive affect whether you are likely to get a ticket? This complaint has probably been around since the first person applied a red brush to an old Model T Ford. The Wichita Eagle recently printed an article about a study done on this alleged phenomenon. It is not reprinted here for copyright reasons, but can be read at: www.kansas.com/2010/10/25/v-print/1556829/could-your-car-be-one-reason-you.html#ixzz13OTGVKXA

The study found that the Mercedes-Benz SL Class roadster was 4 times as likely to receive a traffic ticket. (*any of you clerks drive one of these?*)

The reasons are somewhat speculative, but the study suggests that speedy drivers are more likely to buy these sporty cars – the cause may not be the car, but the driver.



Men were shown to be cited for reckless driving more than 3 times as often as women. (*Note from the male editor to our female clerks: do not use this statistic at home!*)

Former Groveland, Mass., police officer Aaron Yeo, who was fired in 2009 for sleeping on the job and lying to dispatchers about his locations, challenged the termination in October 2010, claiming through his lawyer that he had declined to reveal his locations only because he was "watching for terrorists." (*newsoftheweird.com*)



Spring Conference Info Coming

The Spring Conference will be held at the Ramada Inn in Topeka on Friday, April 1, with new clerk orientation the day before. Denise Kilwein, from the OJA, will mail the registration materials the third week of January. Look for these in the mail.

DMV Matters

The new texting while driving law, STO Sec. 126.2. "Use of Wireless Communication Devices" is a non-moving violation. Convictions should be reported using the 999 code. The DMV will, however suspend a person's DL for failing to comply with this violation. The suspension code is TX1.



This violation is not yet listed in the "compiled doc" available on the division's website but should be included once the document is updated – this update is scheduled for sometime soon, possibly as early as later this month.

Clerk's Manual Online

Remember that the clerk's manual is available online.

This electronic document is fully searchable and is a great way to insure you are looking at the most current version available.

www.kscourts.org/kansas-courts/municipal-courts/Municipal-clerks-manual-2010.pdf

New Legislative Website

www.kslegislature.org/li/statute

written by Dave Larson of KLISS

The Kansas Legislature is rolling out a new legislative bill processing system for the 2011 session. It is called the Kansas Legislative Information Services System or KLISS. It is designed to fulfill the vision of e-democracy which the Legislature defines as follows: **"Anything you can do in the presence of government, you can do electronically without regard to walls or clocks provided it is easy to use and free to the citizens."** The legislative web site is a major component of that vision. Although there is a great deal of technology and organized information behind the scenes, the legislative web site is where the public, legislators and staff actually consume the output from the bill processing system. The new legislative web site provides the public with the same access to information that the legislators enjoy.

The design of the legislative web site follows the principle of "no wrong door". This means that the information presented through the web site is highly linked. Therefore a user does not follow a structured path to access information and then must back out of that path to access other information. For example, if one is reading a bill and the bill references a statute number, that statute number is a live link. Click on the link and up pops the statute. The legislative web site as of this writing (Jan 13, 2011) is only a basic implementation. We are preparing version 2 of the web site based on market research commissioned to determine usability and presentation. The staff and contractor are working very hard to bring the full vision to life. We expect the full featured version of the web site to go live later in the 2011 session.

For immediate release
Amy Jordan Wooden, Press Secretary
January 6, 2011

Governor names Karen Arnold-Burger to Kansas Court of Appeals

Governor Mark Parkinson has appointed Karen Arnold-Burger of Overland Park as Judge of the Kansas Court of Appeals.

“Throughout her career, Karen has demonstrated a respect and passion for the law that will honorably serve the people of Kansas on the Court of Appeals,” said Parkinson. “She will bring with her decades of experience as well as a commitment to justice, and I am honored to appoint her.”

Arnold-Burger began her career as a labor relations attorney at Shell Oil Company before returning to Kansas to become a first assistant city attorney for the City of Overland Park. Arnold-Burger then became an assistant U.S. attorney at the District of Kansas, U.S. Attorney’s Office in Kansas City before serving the City of Overland Park again as a municipal judge, and since 1996, as a presiding judge. Currently, Arnold-Burger is also an adjunct faculty member for the Institute for Faculty Excellence in Judicial Education and the National Judicial College, as well as conducts courses and trainings across the country on behalf of the American Bar Association.

Arnold-Burger attended the University of Kansas where she received her bachelors’ in personnel administration, political science and psychology, as well as her juris doctorate. She has been decorated with many awards over her career, including the M. Barbara Award for Outstanding Contributions to Judicial Education in Kansas. Arnold-Burger also serves on a number of organizations, such as the Kansas Women Attorneys Association, the Johnson County Criminal Justice Advisory Council, and is the Kansas co-chair of the American Bar Association Membership Committee.

The Kansas Court of Appeals hears all appeals from orders of the State Corporation Commission, and all appeals from the district courts in both civil and criminal cases except those which may be appealed directly to the Supreme Court. It also has jurisdiction over original actions in habeas corpus. Judges for the Court of Appeals are selected by the governor from a list of qualified individuals submitted by the Supreme Court Nominating Commission; the judges serve terms of four years. The members of the Court of Appeals sit in panels of three at locations throughout the state, including the primary courtroom in the Kansas Judicial Center.

Lame Excuses: French farmer Michele Rouyer, who was discovered by police with about 11 pounds of packaged marijuana and a dozen plants, said the weed was not for himself but for the 150 ducks he raises -- that a specialist had suggested that marijuana is an effective dewormer and fever-preventer. (Rouyer did admit that, well, yes, maybe he smoked a little of it himself.) In November, a court in Rochefort fined him the equivalent of about \$700 -- even though he insisted, proudly, that his ducks are, indeed, worm-free. (newssoftheweird.com)



Lame Excuse #2: Nicholas Hodge, 31, was arrested in Winona County, Minn., in November after he entered the home of an acquaintance at 2:40 a.m. and refused to leave, complaining that a person who lived there owed him something. According to the deputy's report, Hodge was cuffed while sitting on a toilet "in the kitchen." The deputy added, "I'm not sure why they had a toilet in the kitchen." (newssoftheweird.com)



Membership Committee Update

Nioma Cook – Andover - Chairman
ncook@andoverks.com

Hilary Pappan, Winfield
hpappan@winfieldks.org

Membership Committee would like everyone to welcome our new members.

Jeanann Ketzner, Colwich

Megan Murdock, Concordia

Tiffany Christensen, Marion

Wanda Gabel, Ness City

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

Legislative Update

Gail Garrett, Chair

The state legislature started off 2011 with a bang, and it looks like we're in for quite a ride this session.

They have rolled out a new website at www.kslegislature.org/li/ which is not yet fully functional, but so far seems to be a **vast** improvement over the old site.

Of course, the new texting-while-driving law went into full effect as of January 1, so drivers can now be cited for violations of that statute. According to the DMV, this is to be a non-moving violation but they will suspend a driver's license for failure to appear/pay on this infraction.

The big news for this year is SB 7, which is a bill crafted by the state DUI Commission. You may recall that this commission was

established in 2009 for the purpose of evaluating and overhauling the state's DUI law. After their first year in existence, their only recommendation was that new DUI penalty provisions be put off for another year. This has now changed with the introduction of SB 7, a 122-page monster of a bill which, among other things:



- would make an ignition interlock device mandatory after a first DUI conviction,
- would change the breath test refusal law to make it a misdemeanor and provide for penalties that are either equal to or more severe than those for a DUI, and
- would stiffen the rules and regulations for reporting DUI convictions and diversions, since the Commission has cited inconsistencies in reporting (causing gaps and errors in criminal history) as one of the major issues that needs to be resolved.

Initial reaction to the bill has been mixed; it seems there are many who feel that the bill as it stands right now isn't enough and they would push for harsher consequences upon violation of the DUI laws. It will be interesting to watch how this one develops and I'll do my best to keep you all updated on its status.

“Armed” Robbery???: Caroline Slusher, 32, and two associates were indicted in Willoughby, Ohio, in the November "armed" robbery of a BP gas station convenience store. After a clerk caught Slusher shoplifting, Slusher raised her arm menacingly and threatened to touch the clerk, claiming she was infected with the highly destructive bacteria MRSA. The clerk backed off, and the three fled. (*newsftheweird.com*)



This is the second article in a series about bail bonding, 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. While Mr. Owens is very capable, professional, and knowledgeable about his profession. KACM is, of course, not an endorsement of him or his views – ultimately, your judge officially answers specific questions about bonding issues for your court. We are very grateful for Mr. Owens' willingness to share his experience with us via these articles. We hope you find the following article useful.

Bail Bonding

As a bondsman, it is our responsibility to ensure the defendant appears in court. When we decide to post a bond, we have basically made an underwriting decision. This decision is very similar to your auto insurance coverage. When you seek coverage, you fill out an application and the insurance company determines (based on credit, driving history, accident history, etc.) whether or not you are a safe risk for their company. Obviously, they aren't going to write your policy if you don't appear as a good risk.



Bondsmen operate in the same fashion. When we receive a call, we ask questions pertinent to the defendant to ascertain how likely they are or aren't to appear in court. These are questions such as: Where do you live? How Long? Where do you work? How long? Do you have any previous criminal history? What is the amount of your bond? These questions help us determine the level of risk we are willing to take to underwrite this bond. The consequence of poor underwriting is the expense of locating and apprehending the defendant or possibly paying the bond to the court.

The underwriting process continues throughout the term of the bond. Whether we are on the bond for one week or one year, we continue to monitor the defendant to make sure our level of risk hasn't changed. This is very similar to what your auto insurance company does. For example, if you get into an accident that is your fault or receive too many speeding tickets, they can drop your coverage and refuse to underwrite your insurance. If the level of risk changes for a defendant, i.e.: the defendant moves without notifying the bondsman or the court, the defendant leaves state without permission, the co-signors on the bond change their mind and aren't comfortable accepting the liability, etc...the bondsman then has the right to revoke the defendants bond.

Pursuant to KSA 22-2809: Surrender of obligor by surety; release of surety. Any person who is released on an appearance bond may be arrested by such person's surety or any person authorized by such surety and delivered to a custodial officer of the court in any county in the state in which such person is charged. Such person who is arrested as provided in this section shall be brought before any magistrate having power to commit for the crime charged. The magistrate shall indorse on the bond, or a certified copy of such bond, the discharge of such surety upon the sworn statement, either written or oral, of the surety setting forth the reasons for the discharge. The magistrate may commit the party who is arrested as provided in this section. Such person committed as provided in this section shall be held in custody until released as provided by law.

Various courts handle the revocation process in different ways. Newton Municipal Court and Harvey County District Court as well as McPherson District and Municipal direct that we return the defendant to the custody of the County Detention Center and fill out a bond revocation form. This form is signed by the bondsman and the Sheriff Officer at the detention facility setting forth the original terms of the bond and any future court dates. The defendant is remanded into custody and the form is sent to the judge for their signature. Our responsibility ends there and we are released from liability.

Reno County District Court requires the bondsman to remand the defendant into custody and the bond revocation formed signed by a detention deputy, but the bondsman has the responsibility to get a judges signature the following day before the liability is officially released. Hutchinson Municipal Court requires the defendant be remanded to custody and a bond revocation form be completed and the following day, the bondsman must take the form to the court clerk for their signature, and then they presumably get the judge's signature.

Saline County District Court is very similar, but once the defendant is in custody, the bondsman must appear in front of a Judge and explain why the bondsman wants released from the bond. The Judge then agrees and signs the revocation form. Salina Municipal Court doesn't require any appearance from the bondsman, just the return of the defendant into custody and the bond revocation form filled out.

As you can see, various courts handle this situation differently. A Bondsman never posts a bond believing that they are going to have to revoke at a later time. The revocation process is only used when the risk that we agreed to at the beginning of the contract has changed. It is our responsibility to ensure that each and every defendant is held accountable for their alleged criminal activity. If revocation is necessary to ensure their appearance, that is what will happen. Regardless of how your court chooses to implement the process, it is very important that it is a written policy and that the bondsman in your jurisdiction are made aware of it.

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)

Ambassador Committee News: Below is a list of regions and ambassadors. If you are unsure 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	785.671.3611	oakleyap@st-tel.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	edgertonkscourt@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

K.A.C.M Blackboard

Mary Anne Madden (Liberal) and Phil Drietz were united in marriage November 22, 2010 in Laughlin, Nevada at the Colorado River aboard the USS Riverside. Mary Anne has been a court clerk for the City of Liberal for five years. Congratulations!



Toni Rogers (Haysville), a longtime friend of KACM is retiring. We owe a huge debt of gratitude for all her work with the clerk's manual, which is sometimes referred to as the "clerk's bible." She has these words of thanks to all of us:

Thank You, I appreciate all of the KACM people, the work they put into the organization, and their friendliness and Help offered through the years. I remember everyone as a very special person with a lot to offer in each and everyway – even in a simple question or a simple Hi. Even though I'm starting a new journey in my life I will have my fond memories of all of you: the laughs, sorrows and just plain living. When we started KACM never did we think it would grow to the magnitude it has – 25 years and counting, WOW! To all new clerks: remember there is nothing stupid or embarrassing about asking a question; there is always someone to help you just a phone call away or on the web site; always remember our clerk's bible, the Manual, and I promise you will get your answer.

May God Bless you all, remember we are unique in what service we provide --- Go KACM.

Your friend Toni Rogers

Sara Hicks (Concordia) will be moving to Phoenix. We will miss her smiling face at conferences. She leaves with these words of reflection and thanks:

I've been the Concordia Municipal Court Clerk for the last 2 ½ years. The job was thrown upon me unexpectedly, and I had to scramble around to learn it. But I know I couldn't have made it through that stressful time, or come to love my job and the work that I do if it wasn't for the help and support of my fellow court clerks. I would like to send a special "Thank You!" to the court clerks in Salina's Municipal Court, who I trained with 2 years ago. They were all so very nice and helpful, and I learned a lot from them.

As I've said before, the listserv has been incredibly beneficial to me, and I really enjoy hearing other clerks' stories and problems, since many of them are similar to mine! I know there are a lot of new clerks in Kansas, and I think it's great that we can all learn from each other and work together. Thank you to everyone on the listserv!!

I will be moving back to Phoenix, Arizona the first week of January. I will miss the people I work with and the Municipal Court support team that I have grown to love. I wish you all the best of luck in whatever you do. So, thank you KACM Family for making my experience as Municipal Court Clerk a truly wonderful and memorable one.

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.

We give our sympathy to **Nioma Cook (Andover)** as her dad (Gilbert Lemke) passed away November 21, 2010 in Atchison, KS. Keep her family in your thoughts and prayers.

Shelli Adams (Derby) would like to express these words of thanks:

My mom (Sandy Parrot) would like to thank KACM for the flowers they sent her after her breast cancer surgery. She is recovering well and the cancer is gone and no chemo!

I also want to say thank you for all of the prayers, emails and phone calls from other KACM members while we were going through her diagnosis and course of treatment from August through December.



Retirement: Congratulations Toni Rogers

Toni was one of the 34 registered participants at the first annual KACM conference in October 1986 in Prairie Village. Since that time she has served on various committees and was President in 1992. In 2002, she was chosen by the Past President's committee to receive the Outstanding Court Clerk award. She has part of the original team that created the clerk's manual ("the bible of KACM") and has worked tirelessly to keep it as updated as possible to reflect all the numerous changes that have occurred over the years. Her commitment to KACM and her leadership in presenting the new municipal court clerks with training began in 1997. She believed the basis for successfully doing the job of court clerk is printed in the manual.

This photo was from the 2009 Fall Conference. Though it is informal, it captures Toni in normal action of leadership. Thanks for all you have done.

Weird Crimes: Kentucky men sentenced in bizarre beard-eating case

Two central Kentucky men were sentenced to probation in connection with a bizarre case in which a third man said he was forced to eat his beard after an argument. The Lexington Herald-Leader reported 47-year-old Troy Holt and 51-year-old James Hill were sentenced Tuesday in Anderson Circuit Court.

Harvey Westmoreland of Lawrenceburg had said Holt cut off his beard and forced him to eat it while Hill allegedly held a sickle blade to Westmoreland and his brother during the May incident.

Holt could not say why he made Westmoreland eat his beard other than that things "got out of control" after some heavy drinking.

He added, "I ain't got no excuses about what I done."

Hill had no comment after sentencing.

http://news.yahoo.com/s/ap/20101117/ap_on_fe_st/us_odd_forced_to_eat_beard



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

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Board Members & Trustees



**Barb Insleman
President**



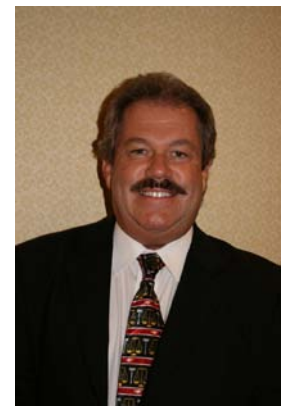
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**Rick Voisin
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KANSAS ASSOCIATION FOR COURT MANAGEMENT

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Visit our website at:

www.ksmunicipalcourts.com

Upcoming Dates:

Spring Conference

Topeka

March 31 - April 1, 2011

Fall Conference

25th Anniversary!

Wichita Marriott East

September 28,29,30