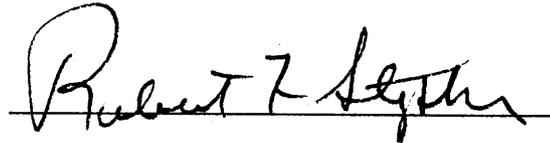


Supreme Court of Kentucky

IN RE: ORDER APPROVING THE LOCAL RULES OF PRACTICE FOR THE
36TH JUDICIAL DISTRICT, KNOTT COUNTY

The Local Rules of Practice for the 36th Judicial
District, Knott County, are hereby approved by the undersigned.

ENTERED April 2, 1997.

A handwritten signature in cursive script, reading "Robert F. Saylor", written over a horizontal line.

Chief Justice

K N O T T D I S T R I C T C O U R T

THIRTY-SIXTH JUDICIAL DISTRICT OF KENTUCKY

RULES OF PRACTICE

This printing reflects the current rules revised effective
_____ , 1995

INDEX

<u>NO.</u>	<u>RULE</u>	<u>PAGE NO.</u>
	PREAMBLE	
1	CITATION OF RULES.....	1
2	EFFECTIVE DATE AND APPLICATION OF RULES.....	1
3	ADDITIONS AND AMENDMENTS.....	1
4	DIVISIONS.....	1,2
5	COURT SESSIONS.....	2,3
6	RANDOM DIVISION ASSIGNMENT PROCEDURE (RDAP).....	3,4
7	DESIGNATION OF DUTY JUDGE.....	5
8	NON-AVAILABILITY OF JUDGE.....	6
9	UNILATERAL COMMUNICATION WITH JUDGE.....	6
10	ASSIGNMENT OF CIVIL AND SMALL CLAIMS CASES.....	6
11	ASSIGNMENT OF PROBATE CASES.....	6,7
12	ASSIGNMENT OF JUVENILE CASES.....	7
13	ASSIGNMENT OF CRIMINAL AND TRAFFIC CASES.....	8,9
14	PRETRIAL RELEASE.....	9
15	PRE-TRIAL CONFERENCES.....	9
16	VARYING TRIAL PERIODS.....	9,10
17	MOTION DAYS.....	10
18	ENTRY OF ORDERS AND JUDGMENTS.....	11
19	ANSWERS TO INTERROGATORIES OR REQUESTS FOR ADMISSIONS....	11
20	APPEARANCES AND SUBSTITUTIONS (CIVIL CASES).....	11,12
21	TRIAL CONTINUANCES.....	12
22	TENDERING OF JURY INSTRUCTIONS PRIOR TO TRIAL.....	12,13
23	EXHIBITS.....	13
24	EX PARTE APPLICATIONS.....	13
25	COURTROOM DECORUM.....	13
26	PUNCTUALITY, EXPEDITION AND SETTLEMENT.....	14
27	DISMISSAL OF ACTION FOR FAILURE TO PROSECUTE.....	14
28	APPEAL TIMES.....	14
29	DISCLOSURE OF JUROR DISQUALIFICATION OR MISCONDUCT..	14,15
30	PAYMENT OF JURY FEES (CIVIL CASES).....	15
31	PAYMENT OF JURORS.....	15
32	SHERIFF'S FEES.....	15
33	HOURS OF DISTRICT COURT CLERK'S OFFICE.....	15
34	COURT HOLIDAYS.....	15

RULES OF THE
KNOTT DISTRICT COURT

PREAMBLE

The rules of the Knott District Court shall be implemented in an effort to provide a cohesive court system which promotes fairness and efficiency to all that come before the Court. The Court is mindful of the increasing number of case filed annually and as such these rules, where possible. shall make for an expedited Court system.

The Court is not unmindful that non-local Attorneys are not familiar with the rules of this Court. Non-local attorneys should become cognizant of these rules and the significance thereof. These rules address the manner in which attorneys should conduct themselves as well as a proper dress code.

The District Courts have more direct contact with the general public than any other court. Therefore, it is the desire of this Court to conduct its business in a dignified manner and earn the respect of the community.

Attorneys should remember that jury service is the only direct participation that most citizens have in their government and they serve for very little compensation. This Court will frown on unnecessarily inconveniencing jurors and will look upon last minute plea bargaining agreements and last minute continuances with

disfavor.

The purpose of these rules is to make for more orderly and uniform functioning of public justice.

KNOTT DISTRICT COURT

RULES OF PRACTICE

RULE 1. CITATION OF RULES.

These rules may be cited as "RKDC" or "Rules of Knott District Court", and shall be applicable to all cases for which the rules of procedure apply.

RULE 2. EFFECTIVE DATE AND APPLICATION OF RULES.

These rules are adopted pursuant to SCR 1.040(3) and RCr. 13.02 and other applicable law and shall apply to all cases filed, commenced or pending after the date hereof and certification and approval of the Supreme Court of Kentucky. These rules shall govern all cases for which the rules of civil and criminal procedure shall apply to the District Courts. These rules shall be effective Jan. 1, 1996, provided they have been approved by the Supreme Court of Kentucky as required by SCR 1.040(3).

RULE 3. ADDITIONS AND AMENDMENTS.

These rules may be added to, amended or rescinded as the Court deems necessary in the interest of justice. All former rules, orders and memoranda in conflict herewith are repealed as of the effective date hereof.

RULE 4. DIVISIONS.

The Knott District Court shall operate in one (1) divisions, namely, Division I. Said division shall have jurisdiction of all

civil actions in which the amount in controversy does not exceed the statutory amount, exclusive of interest and costs; misdemeanors; violations; local ordinances; uncontested probate; juvenile matters; small claims in which the amount in controversy does not exceed the statutory amount, exclusive of interest and costs; and other matters as set out by statute

RULE 5. COURT SESSIONS.

(a) Civil and Small Claims: All regular sessions will be held at 9:00 A.M. on the 3rd Thursday of each month in Courtroom B of the Knott County Court House.

(b) Probate: Probate matters (including mental and physical health, guardianships, name changes) shall be heard on the 2nd, 3rd, and 4th Thursday of each month at the Hour of 9:00 A.M. in Court Room B of the Knott County Court House. All emergency appointments shall be heard on the earliest possible date and time.

(c) Juvenile: All regular sessions will be held at 9:00 A.M. on the 2nd and 4th Thursday of each month in Court Room B of the Knott County Court House. Emergency situation shall be given preference over all other cases and shall be heard on the earliest possible date and time.

(d) Criminal and Traffic (misdemeanors, including violations of county or city ordinances or codes, and examining trials): All regular sessions will be held at 9:00 A.M. each Tuesday of each week in Court Room B located in the Knott County Court House.

The traffic docket will be called at 9:00 A.M., with re-calls at 9:30 A.M., followed immediately by the regular criminal docket. Hearings will be set at the discretion of the presiding Judge.

RULE 6. UNILATERAL COMMUNICATION WITH JUDGE.

Unilateral communication with a Judge about the merits of a pending case by attorneys, litigants, and law enforcement personnel is prohibited, except in these cases where legitimate ex parte application is permitted. Attorneys shall explain this rule to their clients and will direct them to refrain from communicating in any manner with the Judge concerning pending or prospective litigation. No attorney shall deliver to the Judge any letter, memorandum, or brief in any pending case without concurrently delivering a copy to opposing counsel.

RULE 7. ASSIGNMENT OF CRIMINAL AND TRAFFIC CASES.

(A) Traffic offenders with a pre-payable and\ or a mandatory court appearance shall be cited to appear in Courtroom No. B fourteen (14) days from the date of the offense. Should no traffic court be scheduled on the fourteenth (14th) day, the offender shall be cited to appear on the next nearest traffic court date following the fourteenth (14th) day. Traffic offenders who are arrested and do not make bond, and\or persons charged with a crime shall appear before the first available and traffic court session following their incarceration, arrest or service of summons.

(b) A criminal and\or traffic case may be adjudicated upon the first appearance of the alleged offender. If a criminal or traffic case is not adjudicated upon the first appearance, the alleged offender shall be advised by the Court of the date and time of his next court appearance and the nature of the proceedings which will occur at that time.

(c) If appropriate, and in the sound discretion of the Court,

counsel may be appointed for an alleged offender at the first court appearance.

RULE 8. PRETRIAL RELEASE.

(a) All persons arrested and who are released on bond shall appear at the next nearest Criminal and Traffic Court in session and within one (1) week from the date of their arrest.

(b) The bond of any person not being released prior to his/her first court appearance in the Criminal and Traffic Division shall be determined by the Judge presiding at that first court appearance.

RULE 9. PRE-TRIAL CONFERENCES.

Pre-trial conferences shall be held as a matter of course in all jury and court causes and upon motion or on the Court's own motion, in all other causes. At a pre-trial conference, any cause may be assigned, or re-assigned, to a definite date for trial. In a pre-trial order, the Court may require each party to submit a trial brief consisting of a short memorandum of his/her view of the facts and law on which he/she will rely, and may fix the time for filing such briefs.

RULE 16. VARYING TRIAL PERIODS.

(A) A Judge of this Court, may vary, discontinue, or extend any trial period whenever the business of this court requires, unless otherwise provided by law or these rules.

(b) The date and time of all jury trials and other lengthy hearings shall be placed on a master calendar and maintained by the Clerk.

RULE 10. MOTION DAYS.

(a) All motions will be regularly heard and disposed of in all case on such dates as set out previously in these rules or at such times, in the discretion of the judge, which will best serve the convenient dispatch of Court business.

(b) All motions and responses filed in the Knott District Court shall be accompanied by a tendered order for the Judge's consideration, together with a sufficient number of copies to permit the Clerk to complete with a sufficient number of copies to permit the Clerk to complete service thereof when required.

(c) Written motions, other than those that may be heard ex parte, and notice of the hearing thereof shall be served at least three (3) days before the time specified for the hearing, unless a different period is fixed by the Rules of Civil Procedure, any applicable statute, or by court order.

(d) The Court, in its discretion, may hear and determine any motion or any other matter before it at any time, in accordance with the Rules of Civil Procedure unless forbidden by law or said rules.

RULE 11. ENTRY OF ORDERS AND JUDGMENTS.

(a) In all civil cases, whenever any ruling is made, verdict rendered, or judgment rendered, an order or judgment in conformity therewith shall be prepared by counsel for the successful party, shall be attested by counsel for all parties thereto as in conformity to the ruling or judgment, and shall be presented to the Court. If the party against whom the order or judgment is entered is not represented by counsel, that fact shall be endorsed thereon.

(b) When signed by the Judge, the order or judgment shall be

delivered to the Clerk for entry. Counsel preparing the order or judgment shall also deliver to the Clerk a sufficient number of copies thereof together with properly addressed envelopes to permit the Clerk to complete service thereof when required by CR 77.04. Counsel may waive in writing service of any order or judgment, and notice of entry.

RULE 12. ANSWERS TO INTERROGATORIES OR REQUESTS FOR
ADMISSIONS.

(a) When answering interrogatories or requests for admissions or in filing objections thereto, the replying party shall, as a part of his answer or objection and immediately preceding the same, set forth the question or the request made with respect to which such answer or objection is given.

(b) The original interrogatories shall not be filed with the Court.

RULE 13. APPEARANCES AND SUBSTITUTIONS (Civil Cases).

(a) Whenever a party has appeared by counsel in a civil matter he may not thereafter appear by different counsel in his/her behalf, unless an order of substitution shall first have been made by the Court. Until this is done, the authority of counsel of record shall continue for all proper purposes.

(b) When an attorney of record in a civil matter wishes to cease representation of a party, he/she shall file a motion therefor and give adequate notice to his/her client and opposing counsel. It shall be his/her responsibility to see that the client receives such notice, and he/she must be prepared to present proof of this fact at the hearing. If the motion is sustained, a copy of the order shall

be served on the client and all attorneys of record by the withdrawing attorney.

RULE 14. TRIAL CONTINUANCES.

(a) Any motion or application for a continuance of a jury or court trial shall, except for good cause shown, shall be made at least five (5) days before the trial and shall be accompanied by a statement of grounds in support thereof. If one of the grounds stated is the absence of a material witness, the movant shall file an affidavit stating with particularity the testimony to which the movant believes the witness would testify if present.

(b) If the defendant in a criminal case moves for a continuance, he/she shall file with the motion a sworn statement to the effect that he/she understands the nature of the motion and grounds therefor.

RULE 15. TENDERING OF JURY INSTRUCTIONS PRIOR TO TRIAL.

In both civil and criminal cases all parties shall tender to the Court proposed jury instructions at least two (2) days in advance of the trial date. In computing the two (2) day requirement under this rule the date of the trial should be excluded as well as Saturdays, Sundays and legal holidays.

RULE 15. EXHIBITS.

All exhibits, not required to be maintained or disposed of by Statute, filed in the Knott District Court shall be withdrawn by the party so filing within thirty (30) days after appeal time in the case has elapsed, and upon the party's failure to do so, the Clerk is directed to remove and destroy said exhibits.

RULE 16. EX PARTE APPLICATION.

All Applications for Ex Parte Orders shall be heard in open court or chambers, in the discretion of the Court. Attorneys making such application shall inform the Clerk-Recorder of the division in which the matter is pending of the style and number of the cause, the nature of the application, and the names of each attorney in such cause.

RULE 17. COURTROOM DECORUM.

(a) Attorneys, litigants, and all court personnel, will observe the customary and traditional courtesies, decorum and dress.

(b) Attorneys, litigants, and all court personnel, shall rise when the Judge enters the courtroom and when addressing or being addressed by the Judge.

(c) Attorneys, litigants, and all court personnel, shall refrain from carrying on conversations among themselves or with others or read newspapers or magazines in the courtroom when court is in session. No one will smoke or bring food or drink into the courtroom.

RULE 16. PUNCTUALITY, EXPEDITION AND SETTLEMENT.

(a) Attorneys will make every effort consistent with the legitimate interest of their client to expedite litigation and to avoid unnecessary delays.

(b) Attorneys shall be punctual in all court appearances and shall give prompt notice to the Court and to all other counsel in the case, of any circumstances requiring his/her absence or tardiness.

(c) Attorneys shall make a reasonable effort to settle the dispute of their client prior to court appearances. They will

promptly inform the Court of any settlement, partial or entire, with any party or of the continuance of any matter set for hearing or trial.

RULE 17. DISMISSAL OF ACTION FOR FAILURE TO PROSECUTE.

When any action has remained on the civil and small claims docket for one (1) year without any step being taken indicating an intention to prosecute said cause, on motion of either party, or on the Court's own motion, with thirty (30) days written notice, the same may be dismissed for want of prosecution, at any regular session of the civil and small claims dockets.

RULE 18. APPEAL TIMES.

In conformity with Rule 1 of the Rules of Civil Procedure, the Rules of the Administrative Office of the Courts provide that the time for filing appeals at the district court level commences with the signing of the court calendar by the presiding Judge.

RULE 19. DISCLOSURE OF JUROR DISQUALIFICATION OR MISCONDUCT.

Attorneys shall disclose to the Judge and opposing counsel any information they may have that a juror or a prospective juror has or may have any interest, direct or indirect, in the outcome of the case, or a relationship with parties which might make said juror a proper subject for challenge for cause.

Immediately upon discovery, attorneys shall disclose to the Court any improper conduct by any person toward a member of the jury and\or any improper conduct by a juror during any trial.

RULE 20. PAYMENT OF JURY FEES (Civil Cases).

In all civil cases tried before a jury, the first party

requesting a jury trial shall tender to the District Court Clerk the jury fee at the time the request is first made.

RULE 21. PAYMENT OF JURORS.

All jurors answering roll call for service in the Knott District Court will be paid, although later excused from service for any reason.

RULE 22. SHERIFF'S FEES.

Sheriff's fees pursuant to KRS 64.020 for service of summons, etc., on behalf of the Commonwealth, when a defendant is found guilty of a charge, shall be taxed as costs by the Clerk of the Knott District Court.

RULE 23. HOURS OF DISTRICT COURT CLERK'S OFFICE

The clerk's office of the Knott District Court will be open from 8:00 A.M. to 4:00 P.M., Monday through Friday of each week.

RULE 24. COURT HOLIDAYS.

The Knott District Court recognizes and will observe all holidays designated by the Administrative Office of the Courts.

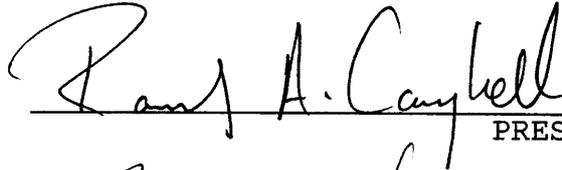
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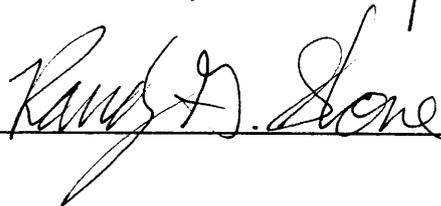
TERRY D. JACOBS, CHIEF JUDGE
KNOTT DISTRICT COURT

APPROVED:

KNOTT COUNTY BAR ASSOCIATION



PRESIDENT



SECRETARY

ROBERT F. STEPHENS, CHIEF JUSTICE
SUPREME COURT
COMMONWEALTH OF KENTUCKY