

Douglas County Law Library

E-Mail Newsletter



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Meeting and Event Announcements

The Defense Bar meets the second Friday of the month. This month the meeting will be on the 12th.

Important Change in "Reels of Justice Film Series"

Due to the Lawrence Public Library changing its Friday hours of operation, the "Reels of Justice Film Series" can no longer be screened on Friday evenings, as it has been since the first screening in the series in August 2006. The next screening has been rescheduled to 2:00 PM Sunday, February 28th (see below). After February 28th, the advisability of having screenings on Sunday afternoons will be evaluated and a decision will be made on when to schedule future screenings. Regardless, the Film Series WILL continue, be free and open to the public, and be presented in the Lawrence Public Library Auditorium.

Please bear with us during this transition. Thank you.

A Few Good Men to be Screened on February 28th



The Law Library's "Reels of Justice Film Series" continues at 2:00 PM on Sunday, February 28, 2010, with a screening of [*A Few Good Men*](#). The film stars Jack

Nicholson, Tom Cruise, Demi Moore, and Kevin Bacon.

A young Navy lawyer (Cruise) is assigned to defend two Marines charged with murdering a fellow Marine at the United States military base at Guantanamo Bay, Cuba. At first, it appears that the killing resulted from the two accused men trying to correct the victim's tendency to be a screw-up, but as he investigates the case, the defense council begins to believe something important about the crime is being kept secret

Directed by Rob Reiner, the film received four Academy Award nominations in 1993.

The program will include an appearance by local attorney Martin L. Miller, who will give commentary on the film and on how the film portrays the justice system.

The screening will be in the Lawrence Public Library Auditorium. All screenings in the film series are free and open to the public.

The next film in the "Reels of Justice Film Series" will be [*Dial M for Murder*](#), scheduled for screening in May 2010.

How to Avoid Common Mistakes in Municipal Court

The following is an article submitted by Randy McGrath, Municipal Court Judge for the City of Lawrence, 1006 New Hampshire Street, Lawrence, Kansas, 66044, (785) 832-6190:

The following suggestions may help some of you who practice in Lawrence Municipal Court. They are the most common errors I have seen the past few years. I gave a similar talk to the defense bar two years ago but the issues are still relevant, particularly the part in section III about retained attorneys getting their clients arrested.

I. Know where the courthouse is located

Too many lawyers are filing pleadings for Lawrence Municipal Court by mailing/faxing them to the district court building. Municipal Court is located at 1006 New Hampshire, Lawrence, KS 66044. Fax number is 832-6199.

II. Proof read pleadings

Caption should be "City of Lawrence vs. Defendant" and not State of Kansas. I see many pleadings with the district court caption and signature line for district judge. If you use a district court form, at least modify it for the correct court.

III. Get yourself a calendar, schedule the court date, and show up

Some lawyers get their clients arrested by getting a court date or continuance, and then nobody shows up. So, if you are to have that diversion agreement filed by that date, get it done or show up. If you get the continuance, calendar it and make sure your client knows the date. "My office staff didn't get it on my calendar" is not a good excuse, and does not inspire confidence in counsel. Make sure you and your client have it on the calendar to avoid a bond forfeiture and warrant. I have seen more defendants who have hired counsel get arrested and lose a substantial cash bond in the past few years than at any time during my tenure here.

Sometimes, the client/defendant and the attorney will state that the defendant was unaware of the continued court date obtained by counsel. Rule 1.4 of the Kansas Rules of Professional Conduct relating to keeping the client informed about the status of the case comes to mind.

IV. Make your comments about sentencing before the defendant is sentenced, not after

If you and your client are asking for work release, or house arrest, or community service work, or your client is having a heart transplant the following week, or whatever, mention it prior to sentencing, instead of waiting until the journal entry is about to be signed and jail time scheduled. So, when the judge asks if there is anything the defendant or counsel would like to say before sentencing, speak up.

V. Know the minimum penalties under the ordinance

For DUI cases, the minimum 48-hour jail sentence must be consecutive, as must the minimum 5-day sentence for a DUI 2nd offense. I cringe when I hear an attorney request, on a DUI 2nd sentencing, "Can my client do his five days on weekends?" Also on a DUI 2nd, the judge must order impoundment of any vehicle leased or owned by the defendant or order an ignition interlock device for a period of two years. I order the ignition interlock device instead of impoundment. The DUI ordinance, Standard Traffic Ordinance Section 30, mirrors the state statute of K.S.A. 8-1567.

Some of you may not be aware that as of July 24, 2007, a city ordinance assesses a jail fee of \$52.00 per day (unless the defendant is in district court custody also, in which case the city is not billed).

VI. Prepare your client on mandatory jail time cases to know what date he will report to jail.

The defendant can schedule jail time in a reasonable period of time at sentencing, assuming he is not already in custody. So, on the DUI, or DWS (driving while suspended) 2nd offense where there is mandatory jail time, make sure the defendant knows his work, family, school schedule so the jail time can be scheduled. There should not be a deer in the headlights look when the de-

fendant is told to schedule the jail time on these mandatory jail cases.

Hopefully, these rudimentary guidelines will be helpful. If you have any questions, my e-mail address is rmcgrath@ci.lawrence.ks.us.

Current Art Gallery Exhibition

The February exhibits in the Douglas County Law Library Art Gallery and the Division IV Art Gallery are photography by Marciana Vequist.

The exhibits will run through the end of February. All pieces are for sale and may be purchased directly from the artist. Contact information for Ms. Vequist is available in the Library.

The March 2010 Law Library and Division IV exhibitions will be artwork by Donna Dennis. More information on the exhibits will be in the March E-Mail Newsletter.

For more information on past, current, and future Art Gallery exhibitions, or for more information on the Art Gallery, please consult the Art Gallery page on the Law Library's website.

If you would like to exhibit your art in our gallery, or know of local artists who would like to show their original art here, contact the Law Library at 838-2477 or by e-mail at info@douglascolawlibrary.org.

New Acquisitions

Newly acquired material added to the Law Library's holdings:

Bradley Parenting Time Calculator, 2010.

Child Law Practice: Helping Lawyers Help Kids, v. 28:11 (Jan. 2010).

Internet guide for the legal researcher newsletter, v. 5:1 (Jan./Feb. 2010).

Juvenile Justice Update, v. 15:6 (Dec./Jan. 2010).

Kansas Child Support Calculator, 2010.

Did You Know?

Every month, a bit of Law Library trivia is posted in the Law Library and on the Law Library's website. The previous month's "Did You Know" tidbit is then published here in the Newsletter. The hope is for this to improve communication between the Law Library and its users.

January's entry was:

- Library users can play CDs and DVDs on the three desktop and two laptop Law Library user workstations. In addition, music and data CDs can be copied and created using any of the desktop workstations.

This Month In Legal History

February 26, 1861 - Louis Carpenter records his first case as Probate Judge of Douglas County, Kansas.

Louis Carpenter came to Kansas in the late 1850s, and by early 1859 was serving as a Deputy Clerk of the United States District Court of Kansas Territory, 2nd Judicial District for Douglas County. He had been born December 14, 1829, in New York State. When and how he studied law is not known, but by February 26, 1861, he had been appointed Probate Judge of Douglas County, and on that date recorded his first case. He continued as probate judge until early 1863, his last case being recorded on January 10th of that year. During his tenure as probate judge, many important events took place, both in his personal life and nationally. The

American Civil War, having smoldered in Kansas for seven years, broke out across the entire nation in the spring of 1861. In 1862, Carpenter bought, sold, traded, and bartered lots in Lawrence, Kansas, the results being two large adjoining lots and sufficient bricks and foundation stone for a large brick house, which he subsequently had built. Also in 1862, he married his fiancée, Mary E. Barber, and, in the election that fall, ran an unsuccessful campaign as the candidate of the Union Party for Attorney General of Kansas. Around the time he left the bench, he was appointed as Kansas Supreme Court Reporter, and through the spring and summer of 1863, he compiled and edited material intended to be published as the first report of the Kansas Supreme Court. He and his new wife were at home on the morning of August 21, 1863, when William Quantrill and his band of 400 Confederate guerillas attacked Lawrence, killing and burning as they went. Several of the raiders came to Carpenter's home, and when he replied "New York" to the question "Where are you from," they began shooting him. He collapsed and died in his back yard. He was eventually buried in Oak Hill Cemetery in Lawrence, near the final resting place of many other victims of Quantrill's Raid.

From: [Judge Louis Carpenter page](#), Douglas County Law Library website.

Each month, an event from "This Month In Legal History," the history of law and jurisprudence of Douglas County that occurred during that month, is included in the Newsletter. The current entry is also posted for the month on the Law Library's website. Entries from past months are archived on the website. Submissions from readers are welcome and encouraged.

Law Library Volunteer Opportunities

The Law Library Volunteer Program provides a capable and dependable volunteer

work force to assist with the day-to-day operations of the Law Library and with its special projects. This work force supplements the paid Library staff and allows the Library to provide the best possible service to attorneys, local judges, and the public.

The Volunteer Program is instrumental in linking a valuable community resource - the citizens - with a valuable community institution - the Douglas County Law Library - for the benefit, growth, and enrichment of both.

If you or someone you know might be interested in volunteering for one of them, or if you would like more information on our program and/or the positions we have open, please contact the Library or visit the "Volunteers" page on the Law Library's website.

Feedback

This Newsletter is intended to be useful to its readers. As in any enterprise, feedback on how the Newsletter is fulfilling this goal is crucial to our achieving it. If our articles are helpful, let us know. If they are not, let us know. If you have suggestions on how to improve the Newsletter, please let us know. Thank you.

Submitting Articles for Newsletter

The Editor encourages readers to submit articles for publication and/or make suggestions on material to be included in future issues of the Newsletter.

To Subscribe

Contact the Law Library by mail, e-mail, or telephone and request a free subscription to the Newsletter. It will be sent to you as a PDF attachment to an e-mail. The Library's mailing address is: Douglas County Law Library, Judicial and Law Enforcement

Center, 111 East 11th Street, Lawrence, Kansas, 66044. The Library's e-mail address is: info@douglascolawlibrary.org. The Law Library's telephone number is: 785-838-2477.

Classified Ads

Free classified ads may be placed in the Newsletter by contacting the Law Library. The Editor reserves the right to refuse anything deemed inappropriate and to add restrictions as the need arises.

No Ads this Month.

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