

House Judiciary Committee Meeting
Tuesday, January 15, 1963

The House Judiciary Committee met in joint session with the Senate Judiciary Committee in Room 529 at 2:30 P.M. with Chairmen Clyde Hill, House Judiciary Committee, and Glee S. Smith, Senate Judiciary Committee, presiding. Eleven members of the House Judiciary Committee were present. Members Arthur, Cram, Crossan, Castl, Griffith, Malone, Skoog, Van Cleave and Williams were absent.

Senator Smith, Chairman of the Senate Judiciary Committee, opened the meeting by stating that both committee members might ask questions regarding the large bill before the committees before introducing it as a committee bill and having it printed. Mr. Hatcher and others will be available for the remainder of the meetings this week to answer questions and explain the bill in detail. He also stated that the House Judiciary Committee and the Senate Judiciary Committee will meet in joint sessions held at 11:00 A.M. and 2:30 P.M. on Tuesday, Wednesday and Thursday of this week.

Justice Robert Price was present. As Chairman of the Judicial Council, he gave a summary of the work that has preceded the assembling of the bill now before the committees. He stated that for several years, the Bar Association has advocated revising the Code of Civil Procedure. It was recommended that the Judicial Council appoint a reporter draftsman and five members of the Bar Association. He stated that the Judicial Council was extremely fortunate in obtaining Earl Hatcher to act as reporter draftsman. He presented many details which are to be considered in the meetings during the current week while other members will be available to answer questions and explain the bill.

Senator Smith thanked Justice Price; made additional comments upon the work which has been done and asked Mr. Hill if he had any comments. Since Mr. Hill had no additional comments at that time, Senator Smith introduced Mr. Hatcher.

Mr. Hatcher talked briefly stating the work was the efforts of seven men. He stated the code was rewritten for clarity and more for the litigant than the lawyer. He explained that the Rules of Procedure follow the plan of the Federal Rules. Where experience with the Federal Rules has shown that they have worked well on the federal level and meet the needs of Kansas practice, they have been followed to the full extent that they are adaptable to local practice and in harmony with the substantive law of Kansas and the Constitution. He pointed out that there are many benefits to be derived from a great degree of uniformity in the procedure to be followed by the courts of the various states and the United States. The Federal Rules, which have been in existence for some time, have been interpreted and clarified. The lawyer, whether in a court of his own state, or a federal court, will be familiar with procedure. This would save both confusion and expenses. He also pointed out that they would not find many material

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or substantial changes in their practice procedure if the Federal Rules of Civil Procedure were adopted in their entirety. The most substantial changes would be the extension of the right to take depositions, the right of discovery and summary judgments. He also explained that the committee took each article and proceeded in that manner. Mr. Hatcher praised the work of the committee very highly.

Senator Smith then stressed that the committees need not be as concerned with the language and sentence structure, but with policy.

Some Judiciary Committee members asked questions and then John Shuart was introduced and spoke briefly along the same subject.

Chairman Hill requested that the House Judiciary Committee members remain for about five minutes after the joint meeting adjourned.

The meeting was adjourned to meet at 11:00 A.M. January 16, 1963, in Room 529.

Respectfully submitted,
Clyde Hill, Chairman

Minutes approved: