



STATE OF KANSAS

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Attorney General

February 22, 1978

ATTORNEY GENERAL OPINION NO. 78- 85

The Honorable Ray Hodge  
Associate District Court Judge  
Sedgwick County Courthouse  
Wichita, Kansas 67203

Re: Courts--Judges--Powers

Synopsis: The phrase "other district judges of such judicial district" as used in K.S.A. 1977 Supp. 20-345 refers only to district judges of the district, and does not include associate district nor district magistrate judges. Thus, appointments by the administrative judge of each judicial district of personnel enumerated in that section are subject to the approval only of the district judges thereof, and not to the approval of associate district nor district magistrate judges.

\* \* \*

Dear Judge Hodge:

K.S.A. 1977 Supp. 20-345 provides in pertinent part thus:

"The administrative judge of each judicial district, with the approval of a majority of the other district judges of such judicial district, shall appoint such bailiffs, court reporters, secretaries, parole and probation officers and other clerical and nonjudicial personnel as are necessary to perform the judicial and administrative functions of the district court." [Emphasis supplied.]

The Honorable Ray Hodge  
Page Two  
February 22, 1978

You request my opinion whether the phrase "other district judges," italicized above, includes associate district judges.

This section was enacted in 1976 as § 33 of ch. 146, L. 1976. Section 10 of that act, now found at K.S.A. 1977 Supp. 20-301a, provides in pertinent part thus:

"There shall be three classes of judges of the district courts established pursuant to K.S.A. 1976 Supp. 20-301: District judges, associate district judges and district magistrate judges; and as used in this act, the term 'judge of the district court' shall mean any of such judges." [Emphasis supplied.]

Thus, the question is presented whether the term "district judge" as used in K.S.A. 1977 Supp. 20-345 refers to and includes every "judge of the district court," as defined by K.S.A. 1977 Supp. 20-301a. In my judgment, it does not. The phrase "judge of the district court" is given a specific and inclusive definition by § 10, ch. 146, L. 1976, for the purposes of that act, to include district judges, associate district judges and district magistrate judges. However, in many of the provisions of that act, the phrase "district judge" is not used as a synonym for "judge of the district court," but specifically to refer to judges of the district court other than associate district or district magistrate judges. Thus, e.g., § 30 of ch. 146, L. 1976 provides in pertinent part thus:

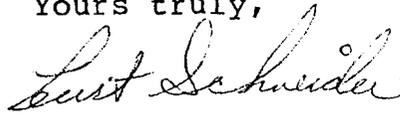
"[A]fter consultation with the associate district judges and district magistrate judges of such court, each district court, by action of a majority of the district judges thereof, may promulgate . . . such rules as may be necessary to provide for the administrative operations of such court and to facilitate the regulation and supervision of the non-judicial personnel thereof." [Emphasis supplied.]

Clearly, the term "district judges" does not include associate district judges and district magistrate judges. Equally clearly, in my judgment, the term "district judges" in K.S.A. 1977 Supp.

The Honorable Ray Hodge  
Page Three  
February 22, 1978

20-345, includes only district judges, and does not include associate district judges nor district magistrate judges. If the legislature had wished to vest the power of approval of such appointments in all the judges of the district court, it would have omitted the restrictive term "district," and referred simply to the "other judges of such judicial district." Accordingly, in my judgment, the phrase "other district judges of such judicial district" in K.S.A. 1977 Supp. 20-345 includes only district judges and does not include associate district nor district magistrate judges.

Yours truly,



CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj