

**WELCOMING SPEECH TO THE BLUE RIBBON COMMISSION
AT ITS INAUGURAL MEETING**

**Delivered by the Honorable Lawton R. Nuss
Chief Justice of the Kansas Supreme Court
Wednesday, March 9, 2011**

Good morning.

We have something for each one of you today.

If you love public service, then you are in the right place.

If you love making history, then you are in the right place.

And you are in the right place if you love dramatic changes and changes that may last for many years.

And if you love impacting the lives of hundreds of thousands of Kansans;

love working with a team of other dedicated players;

love being supported by a hardworking professional staff and advisors;

love taking trips to far corners of Kansas, with many

points in between, to talk with your fellow Kansans;

Then you are in the right place.

And finally, if you love working hard for no pay — because you love Kansas — then this is the place for you.

And we are deeply grateful to you.

I have been asked to discuss the motivation for, and the vision of, the Blue Ribbon Commission. Traditionally, the Supreme Court takes a conservative approach to decision making. We wait for cases to be brought to us, then we decide them. Similarly, we also have waited for events and then reacted to them, rather than being proactive. The last major "planning" we did was in the 1970's; that planning resulted in statewide court unification.

Today, the economy is requiring us to do more. I suppose some can say we are reacting *to* the economy. Others might say we are planning *because* of the economy. No matter how you characterize it, we are not just standing still.

In 2009, the Supreme Court spent a huge amount of time working on contingencies based upon the poor economy. In 2010, we spent a huge amount of time refining approaches to those contingencies, and eventually closing all courts and sending over 1500 employees home without pay. That was the first time in Kansas history this had happened. Those events forced us to determine what the extraordinary circumstances might be in which a court could remain open and what, if anything, judges could do on those "court closed" days; in other words, what qualified as emergency or essential services. In turn, the situation required a good hard look at "access to justice."

To keep Kansas courts open after that, we agreed to maintain 75-80 vacancies for the entire upcoming fiscal year; that amounts to 5% of our authorized non-judge work force. Since then, the Supreme Court has held monthly meetings to consider, from all 31 judicial districts, "who is worthy now" to hire employees for the other spots while maintaining that number of vacancies.

So last June, the Supreme Court decided to just stop reacting. We decided to obtain reliable data on caseloads. We decided not only to examine where the 500,000 court cases are distributed each year in Kansas, but also to consider things like case complexity and driving time for judges in multi-county districts. Hence, the weighted caseload study is now underway, with the experts from the National Center for State Courts filling the role of consultants.

Some might misconstrue the weighted caseload study as seeking to reveal only economic considerations: for example, simply how to eliminate or move staff or judges around the state to be consistent with the study results. Consequently, we knew we also wanted to determine the all-important "access to justice" issue. We decided we needed a good review of our judicial branch operations for better, even best, *use* of taxpayer dollars; for greater efficiencies and other improvements; and for the *saving* of taxpayer dollars, which is important in this unfortunate economic environment.

So you were created — to give us a fresh look from a variety of perspectives. Look at your membership roster: you come from different locales and have different backgrounds and experiences. Your varied strengths will help your commission provide to the Supreme Court recommendations that we can implement and keep in effect for years to come.

As you do your good work, please remember what the Supreme Court has been saying since last summer: “The Supreme Court has no preconceived ideas on what, if any, changes should be made. But if changes are made, it is essential that they be the right changes.”

Thank you again for helping us. If you *ever* have any questions or need assistance, just ask. You are doing *us* the favor; the least we can do is support you.