

Blue Ribbon Commission
Atchison Community Meetings, May 4, 2011
Attendance: by-invitation meeting, 16; public meeting, 5.
Feedback based on the 4 questions asked at the meetings

1. Are there things the courts do locally that could be performed regionally or at one central statewide location to improve their efficiency?

a. Regionalize

1. Regionalization or centralization could occur with payment systems, e.g., traffic, as had occurred with child support – that helped the local courts.
2. High profile difficult cases requiring increased security should occur only in special or urban districts because the high security needs are (or could be) in place there.

b. Keep at local level

1. Atchison has no court problems that can't be solved locally. Change should not be made just for the sake of change.

2. How could the courts use technology to make their operations more cost-effective or improve access to the courts?

a. A/V Technology

1. It may be possible to have videoconferences for initial hearings.
2. SRS seems to now require certain video software that is causing problems.
3. IT staff is virtually nonexistent in rural or small courts - there is a need for OJA to provide technical support to the local courts statewide.
4. IT staff in the counties really doesn't understand the courts or needs of courts.
5. Courts must use technology because they have to - technology increases efficiency.

6. E-filing and videoconferencing have to be used – they will increase efficiencies and cut down on inefficient travel. Judges must adjust - there is no choice.
7. Some unique software is required for video and audio conferencing – they're good but need intense IT support. Use publicly available off-the-shelf software – e.g., Skype - rather than internally or externally developed unique software.
8. How will old paper records would be brought into the paperless environment, e.g., information stored in hard copy in the caves in Hutchinson. Will that eventually be stored electronically?
9. Computers are used now in courtrooms, but consistency is needed across all districts with systems – storage, access, processes and policies need to be consistent to be able to move people around or move work to the people.
10. Skype is used and should be.
11. Video dedicated line costs are getting very expensive.
12. Phone conferences can be used for some first appearances.
13. Travel for juvenile offender cases is a huge cost that could be cut with technology.

b. E-everything

1. Leavenworth County uses case retrieval e-technology now and does not have problems; it is nice to go online in the counties that do have online access to files.
2. Should be more transparency so e-filing would be terrific - could then look at legal info locally or elsewhere in the state.
3. Combine Municipal Court info with District Court info. Now cannot get good criminal conviction information for the entire state because of different (and sometimes no) systems used throughout the state.
4. E-filing could be very good especially if it is not mandatory.

5. It will clearly help staff with the elimination of paperwork.
6. Court rules require paper records to be kept, so E-filing could be more useful if the rules were changed to not require retention of paper records.
4. IT staff must be hired in-house or by contract. PCs can be analyzed from a remote location.
5. Technology can be a problem. But we have to “go there” even if it’s hard to adjust.
6. There will be problems with e-filing – costs to train and ongoing IT support costs.
7. Paperless? What happens if the systems change? Will what’s recorded on current or new systems be converted at a later date to whatever new systems are developed? Or will the older systems still be accessible?
8. Urban districts typically have an IT staff in-house, usually paid for by the county.
9. E-filing is coming and the courts will adjust, but there must be dedicated IT staff almost 24/7 to support e-filing.

c. Anti-technology

1. Re technology and e-filing, finding all the criminal cases files electronically could be difficult - now hard copies are in front of the judge. The non-technically savvy (many judges) will have problems in particular.
2. Technology in rural areas is a problem as there is no direct IT staff.
3. E-filing in small rural settings may not necessarily be a plus.
4. Re e-filing, the public (pro ses) does not always have computers or know how to use them.
5. Federal e-filing did drive out older attorneys who were not technically savvy.
6. It’s almost impossible now to find a judge who is readily available; how would that work with e-filing?

7. E-filing could be good, but often judges require paper - that could involve more work.
8. Re a paperless environment, what would happen if the e-system went down - will two systems really be needed?

3. How can the court become more flexible in the use of people and facilities as workloads and funding fluctuate?

a. Consolidate/share

1. Consolidation of cases under one judge needs to occur in all family situations – custody, CINC, divorce, etc. - all cases relating to a particular family should be given to one judge.

b. District Magistrate Judges (DMJs) & District court Judges (DJs)

1. Nonlawyer DMJs don't know the law so they really can't do things well. But, in some cases where a narrow focus was necessary, a non-law trained judge with required technical expertise could be okay. But there are some standards necessary.
2. Retention elections provide the ability to remove a judge. Judges seem to be more accountable when they are elected in partisan races, but fund-raising caused imbalances in partisan races.
3. The public doesn't really know what judges do. They react only to a few high profile opinions or cases.
4. Partisan elections are not the best ways to select judges.
5. Partisan elected judges are better than appointed judges - it's easier to affect the appointment system's players than it is to affect the elected system's players.
6. District magistrate judges (DMJs) should be used more, e.g., in limited actions, with all restrictions lifted if they were law-trained, but with continued restrictions if not.

c. Other

1. Time management in the courts is a widespread problem. Attorneys, prosecutors, and police, etc., are often confronted with different judges holding court sessions at the same time with the same parties. Judges forget real world time - they often show up and start sessions late, increasing the costs for the other parties. They seem to be non-cognizant of the time of others. The message that needs to be sent to attorneys and judges is that everyone needs to BE ON TIME. If there is no change things will be inefficient.

4. What other ideas, issues, or concerns do you want the BRC to consider?

a. Access to justice/timeliness

1. Judges need to be available immediately for warrants, etc. That is not a problem now but if consolidation occurs could be.
2. Bigger districts will result in problems with legal issues involving time constraints - some emergency situations in particular. The bigger the district the worse the problems - the harder it will be for a judge to be available when needed.
3. With fewer courthouses & judges, care and treatment cases with their time requirements will be difficult.
4. As an untrained executrix, the knowledgeable players dominated the court sessions. No one asked anyone if they had anything to say or ask.
5. The courts have to take the work that comes to the courts - we can't turn people away.
6. With continued funding cuts, eventually the courts will be confronted with a situation where they can only do what is required, and not all the things that the courts do now. Eventually the courts will be in a situation where the courts will not even be able to do all the required activities, but will be faced with a

situation where they will have to respond by doing only extremely crucial activities.

7. Not all counties can use credit cards, and even if they did, many of the users of the courts do not have a credit card - they use cash (pro se litigants are a huge efforts on all fronts).
8. We cannot make the judicial system harder to use for the end users. We have to be a service provider. Access to justice is the key.

b. Process changes

1. Contract attorneys (e.g., CINC/JOs) should have more contact with the prosecutor's office locally, and should have higher fees paid for their services.

c. Money/vacancies

1. The county pays for the courthouse and operational costs. Having the county pay for e-filing expenses could be a problem.
2. Besides state and county sources of funds for court operations, grants are available but are problematic because of the amount of administrative effort and reporting required.
3. Re accounts receivable tracking, FullCourt does not seem to track Accounts Receivables well. A relatively large amount of money is not being collected.
4. Collection agency contracts typically are entered into because of the large amounts of funds uncollected.
5. Debt set-off was starting to be used for uncollected fees/fines.
6. Some funds are "lost" when repaid because of the collection fees by the collection companies. When collected, funds go to several entities, not just into the state general fund for the courts.

7. The county tries hard to get attorneys and litigants to pay fees and fines, but not always successfully.
8. When there is no juvenile detention facility close by, costs the county \$150 a day to send someone to another location for trials / hearings.
9. Re fees assessed to defendants being collected, they are difficult to collect because many of the defendants have no means to pay. There are systems behind the court operations that track accounts receivable. The courts try hard to collect but often turn to debt collectors.
10. Technology costs are a problem. With technology, lots of training was needed, and there is a high learning curve. Efficiencies are not felt right away. It would be wrong for the court to require e-filing and not fund technology costs that would otherwise have to be covered by the counties. That will force chief judges to have to negotiate with the counties for funds to pay for computers and other technology costs of e-filing.
11. The state pays some court costs, the counties pay some, but dollars collected by the courts do not all go to the courts. Uncollected funds hurt several entities - collected funds go to several entities, not just the courts.
12. When a defendant cannot pay, the defendant cannot just be locked up until he does.
13. The state must fund the courts properly, and not on the backs of somebody making no money or somebody making \$7½ an hour.
14. The judicial branch is charged with collecting fees - drug and alcohol tests, blood tests, etc., and then those fees go elsewhere.
15. Fees are not paid usually because individuals can't pay them - disabled or indigent or just poor. Collection agencies when they do collect retain a percentage of what's collected. Collection rates are abysmal.
16. With more technology reliance, who will pay for the higher costs required of technology.

17. Court trustees could be asked to get involved with collection, as they do in child support.
18. On the civil side, pro se litigants file a poverty affidavit leading to uncollectible fees. Self-financing of the judicial branch through fines and fees and other assessments cannot work – the “users” can’t pay.
19. To correct funding difficulties: a contract with the trustees to collect; collecting could be made a responsibility of the County Attorney.
20. Courts cannot really examine the financial ability of persons to pay - that would be a huge effort for the courts.
21. The legislature has told the judicial branch to collect for other entities - he feels those collections should all go to the judicial branch.
22. Counties provide the home for the courts – the courthouses.
23. Some grant money in Wyandotte County now is used for domestic cases. Often there’s a large administrative effort involved in grants because of the reporting required.

d. Legislature

1. Legislative mandates require an increase in work, and then the legislature cuts money for staff. This is an ongoing concern, and one that worsens continually.
2. Legislators do not visit the courts even when invited, and often try to get out of jury duty if summoned.
3. Judges do go to the legislative hearings to testify. The Supreme Court lobbies works with the legislature to present its message - staff does testify too, and the Chief Justice is in contact with legislative leadership in particular.
5. Several smaller district legislators have been invited to come and see court operations, but have not taken advantage of those invitations.

e. One judge per county

1. We need judges locally. Judges are available locally now.

f. BRC

g. Furloughs / staffing

1. No incentive to remain on the job given furloughs and low pay.
2. Furloughs created a large morale problem.
3. Furloughs lead to a loss of staff, many of whom were the most trained and experienced.
4. Wyandotte County courts are now down 14 individuals, several of whom had large amounts of experience.
5. With reduced budgets, there is more cross training underway in the urban districts at least.

h. Other

1. Pro se litigants need assistance.
2. Clerks often get close to providing legal advice to pro ses.
3. Pro se litigants cause huge time efforts now by judges, other attorneys, and clerks of the court – they assist pro se litigants all the time.