

Blue Ribbon Commission
Emporia Community Meetings, May 2, 2011
Attendance: by-invitation meeting, 19; public meeting, 4.
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**

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. Utilize audio/visual technology when a witness is testifying on something that is not a credibility issue. An example would be a chemist from the KBI. They can testify as to what a substance tested out as via video.
 2. Should make a record based on an audio/visual recording. This creates a very complete record.
 3. Create an audio/visual record of Driver's License Suspension hearings so that if they are appealed to the District Court, a record exists and the judge does not have to start from the beginning.
 4. Technology should be used that would allow judges from one court to hear cases in another court without physically traveling.
 5. Audio-visual records would reduce the number of continuances due to requests to complete the record. Also reduces the work for the clerk in preparing the record for the Appellate Court. If the case is appealed to the Appellate Court, they can hire a transcriptionist to create a paper record if they want one.

 - b. **E-everything**
 1. E-filing would save money. Having documents available online and through e-mail would also save time and money for the counties, since none of the postage or paper expenses are paid by the state.

 - c. **Anti-technology**
 1. Trials should be held in person. The judge needs to see the witnesses and parties in person to evaluate body language.

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

a. Consolidate/Share

1. Pure consolidation of districts without elimination of judicial sites is not an answer because of judge travel and minimum staffing needs.
2. Create a pool of court reporters and interpreters that could be used by multiple districts.
3. There is a need for a centralized IT department that would be available for all districts to utilize. They would help the districts with purchasing, repairing equipment, and implementation of new technology.

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

1. Magistrate judges are a good value. Would advocate the use of magistrate judges to be mandatory. In some districts, that could reduce the number of district judges needed.
2. Advocate additional salary for law-trained magistrates.
3. Law trained magistrate judges should be allowed to hear cases beyond their jurisdiction when directly assigned to them by the Chief Judge.
4. It would increase efficiencies if trial court judges had a law clerk or legal assistant.
5. If there is a capital crime case assigned to a judge, OJA should assign a law clerk to that judge to utilize.

c. Other

1. Retired judges that come in and help were one of the first things cut. It is cheaper to use a retired judge than to have a district judge travel. If there are no judges available to fill in, then the clerks have to reschedule all the cases that were to be heard that day. That could be 40 – 60 cases in one docket.

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

a. Access to Justice/Timeliness

1. Consolidation may save money due to closing courthouses and getting rid of positions/salaries but it creates an access to justice issue.
2. People in small counties have a concern that their court houses will be closed. They have just as much of a right to access justice.
3. Protection orders are critical for victims. Barriers such as driving to another courthouse to get those orders increases risk to our clients.

b. Process changes

1. Expedited appeals process for sentencing guideline cases. If the sentencing guidelines have been complied with, the sentence should not be appealable. Create a screening methodology that takes place for these types of appeals before they get to the appellate court.

c. Money/Vacancies

1. Chronic underfunding of any program that would enable us to implement technology or new programs is a problem. The courts that have been able to implement technological efficiencies have done so by obtaining resources from the county.
2. The counties pay for supplies and facilities now. The state should not be passing their costs on to the counties. Do not bring unfunded mandates to the counties.
3. Law enforcement must appear in court as witnesses and also transport defendants. If officers are traveling farther, that requires overtime and increased travel costs, which increases the local county costs. Also becomes a public safety issue when officers are not on the street in their own county.
4. We need funding to develop technology that would help us retrieve and maintain information from prior to the FullCourt case management system implementation.
5. Chronic underfunding of other state agencies impacts the judicial system as well. For example, delays due to KBI taking longer to complete testing in the lab.

d. Legislature

1. Consolidation is a policy consideration and the Legislature must decide literally how far it expects its constituents to travel to access justice.
2. Districts in large urban areas have the legislative delegations to help them get judge and staff positions.
3. The Legislature should not micro-manage a co-equal branch of government by allocating positions, including judges, to particular districts. The Supreme Court should be given the ability to allocate resources, both personnel and financial.
4. Employees lost money in salaries due to the Legislature's failure to complete implementation of the Judicial Salary Initiative.

e. One judge per county

1. No longer need to maintain the one judge per county rule.
2. Get rid of the one judge per county rule but maintain the number of judges and give the Supreme Court the ability to move them around.
3. One judge per county serves an important function. It makes it easier for people to access justice.

f. BRC

g. Furloughs

1. The amount of work does not go away just because a court is closed.
2. Many clerks fear that the weighted caseload study will cause people to lose their jobs. This along with the threat of furloughs has added stress to the clerks' offices.

h. Other

1. Smaller districts have more staff than needed as a result of the need to keep the doors open.
2. Centralized direction, decentralized execution. Courts should be given direction from OJA and then allowed to carry out that directive locally.
3. Funding that is provided for the election of judges is not transparent and it should be. The merit system is a better way to go.
4. We are dependent upon other systems that are not functioning properly. Past DUI convictions are needed by the prosecutors but the information received is unreliable.