

Blue Ribbon Commission
Garden City Community Meetings, May 2, 2011
Attendance: by-invitation meeting, 25; public meeting, 14.
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?**

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. Videoconferencing for first appearances.

 - b. **E-everything:**
 1. Electronic filing would be great (must be sure all counties have computer systems that are capable of handling this), and would cut down on the time needed to process caseload.
 2. Do more things electronically – this would save money: signing orders; forwarding copies to parties; filing pleadings; videoconferencing for hearings (saves travel and court time). Hardware purchases would cost initially, but would pay off later.

 - c. **Anti-technology**
 1. Domestic and sexual assault victim safety and privacy are critical. Many victims are unrepresented and video conferencing can be very threatening to them.
 2. These are people courts; some things can't be handled by electronics – videoconferencing is just not the same thing.
 3. A judge can't evaluate the demeanor of a defendant by video.
 4. Defendants seem to show more respect when there's a physical presence of a judge rather than a video conference. It's essential to have all the parties in the same room.
 5. Videoconferencing is not the best form of justice; it's for the convenience of the sheriff's department.
 6. People need to have a judge looking them in the eye – not videoconferencing.
 7. Not in favor of videoconferencing

3. **How can the courts become more flexible in the use of people and facilities as workloads and funding fluctuate?**
 - a. **Consolidate/Share**

1. Share personnel across county lines; have better and increased use of technology.

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

1. Consider using rural DMJ's to help out urban DJ's.
2. The cost for a district judge and his/her staff should be considered in determining whether a DMJ could be used in place of a district judge; this could result in a tremendous savings.
3. Change the jurisdiction requirements for DMJs in some circumstances.
4. It is very important, critical, and vital to have access to DMJs when dealing with obtaining warrants and CINC cases.
5. Family Crisis Services serves 7 counties, uses DMJs a lot for protection from abuse and protection from stalking orders. Some smaller counties don't have a safe house so they have to transfer to Garden City and file the paper work the next day. Communities must have access to the DMJ in each county.
6. DMJs should continue – are available for emergency hearings/issues.
7. A DMJ gives a smaller community a sense of identity. People recognize a DMJ as "my judge." Most people know who their judges because they see them; they are a known entity. A judge gives his/her community a sense of society, structure.
8. DMJs authorize search warrants, protection from abuse orders, and are available to community.
9. Law-trained DMJs are very good.
10. Re law-trained DMJs only, we want the best person to be the judge, law-trained or not.
11. Sedgwick County should be reviewed to see if some of their district judges could be replaced with district magistrate judges. DMJs can handle a heavy workload; they are very valuable. In some areas, district judges are doing the same things as some magistrate judges.

c. Other

1. The county commission could offer community service projects for defendants who can't pay their fines.

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

a. Access to Justice/Timeliness

1. Can't put a price on due process, equal protection of the laws, and access to justice.
2. Travel to other counties to get a bad check prosecuted is inefficient.
3. Centralization is not an option. As long as it's legal to live in the small counties, these citizens should have access to justice.

4. The citizens of small counties should have the same access to justice as the citizens of the large counties.
5. Impact of different time zones on judicial districts must be considered.
6. Access to justice is the big issue. The courts, as well as 636 cities, 308 school districts, 99 non-urban counties, are all under fire in limiting costs/budgets.
7. Kansas has a good court system. We must preserve access to justice by keeping one judge per county. The judiciary should not be about finance or money; it's about justice.
8. We're a branch of government, not an agency. Closed courts mean the people suffer.
9. Keep DJs and DMJs as we have them. The easiest thing to do is do away with courts in western KS, but it affects thousands of people. Cuts may start with the courts, but will spread to other county services, schools.
10. A domestic violence case deserves to have immediate access to judge. We're all Kansas people; we all deserve access to justice. The only reason not to have access to justice is political expediency.
11. Some meetings like this will fall on deaf ears; it's a little like fighting for our way of life here, for justice. It is essential to access to justice and the judicial system in Kansas that it not be centralized in a few hands in Topeka. SRS tried a centralized system and it didn't work.
12. There are no services for juvenile in many locations; SRS has centralized them.
13. Domestic and sexual assault victims rely heavily on DMJs; immediate access to the court is critical.

b. Process changes

c. Money/Vacancies

1. Gov. Brownback's Rural Opportunity Zone program would be inconsistent with closing courts in western Kansas.
2. Staffing is a constant battle. The Supreme Court should do it like the Navy – staff a court the way a ship would be staffed – if they have a ship, it's properly staffed.
3. Professors and superintendents of schools make more than judges.
4. Sedgwick Co. operates at a much higher cost level than Johnson Co. To increase efficiency, look at where the money is being spent. Sedgwick Co. doesn't use DMJs.
5. Our courts are working on a skeleton staff right now. If you want to save money, look at where it is being spent.
6. Limiting the number of courts will not bring about enough savings.
7. A number of judges in this district have unfunded vacancies in essential positions. We're still not operating efficiently yet.
8. How does the legislature think that they can balance the budget on the backs of the judiciary, when the judicial budget is only 2% of the entire budget?
9. Transporting prisoners is very expensive.
10. Courts take in funds through clerks offices that should go into the budget.

11. Finney Co. pays \$500,000 for interpreters; can this expense be paid by someone else?
12. Finney Co. CINC cases have 90 days until hearings because of the heavy caseload. Kids are in foster care during this time. Cost of foster care could be cut down if hearings could be held sooner.
13. Transportation is an issue for some families in Finney Co.; if they could get assistance with transportation, it would be helpful.
14. Victims' attorneys would have to charge travel costs if they have to travel to other counties, due to consolidation of counties.
15. Another consideration is the cost of transporting juries.
16. A small cut from the legislature means personnel cuts.
17. Prof. Chauvin states that other states that closed courthouses found it cost them money, not saved.
18. Based on Prof. Chauvin's report to the BRC, Wyandotte County's cost per capita is higher than Hamilton's.
19. Do not take the docket fee and split it away from the courts.
20. One of the greatest burdens on the court system is the collections cases; raising fees for collections cases could help.
21. Raising docket fees is preferable to closing courts.
22. Concerns with lack of clerk staff; clerks travel to other counties to help cover for other vacancies.

d. Legislature

1. Is COA necessary; could number of silly appeals be controlled legislatively?
2. Limiting the number of districts to seven (LPA of January 2010 recommendation) is unworkable. The LPA report is simplistic, ironic, has unfunded recommendations.
3. This all started in 1992 in the school finance act when western Kansas was placed under assault by eastern Kansas; the makeup of the legislature has drastically changed, is more concerned with cutting taxes than providing services. The school finance case is the legislature's way to get back at the court.
4. All falls on deaf ears; they do what they want to do regardless of what we say.
5. The fight between the legislature and the supreme court over school finance and death penalty is a problem.
6. More authority should be given back to the counties. They are losing local representation. We need to stop that.
7. All judges should be elected across the state. Grass roots elections would provide judges that local people would know.
8. Adamant opposition to electing judges; district nominating commissions do a good job.
9. The Judicial Branch is an equal branch of government, and should act like it.
10. The system is not broken or terribly expensive; taxes should be raised rather than losing local courts.

11. The need for the judicial performance commission was questioned because of its cost and the fact that it doesn't help the processing of judge work. Maybe that money (\$3 million) could go to avoid furloughs.
12. The Legislature should be required to visit all the courts in the state.

e. One judge per county

1. Must protect the one judge per county law; it allows access to the judicial system. Local judges should deal with local issues.
2. One judge/county law needs to be maintained.
3. We should maintain one judge per county.
4. Having a judge in each county is very important but provide administrative staff to DMJs; some have none.
5. Each county must have a judge in residence.
6. If the court is taken out of a county, the county will lose its attorneys.
7. In Syracuse, the contact with government most of the people have is through the city council and its judge.

f. BRC

1. Almost skeptical of this commission – previous commissions and recommendations were largely ignored because they didn't fit into someone's preconceived ideas. The judicial budget is a relatively small amount of the entire general state budget. The system isn't broken, but it does need to be tweaked.
2. The system isn't broken; don't close courts. The rumor/feeling is that smaller courts will be closed. The Supreme Court has been under fire since certain opinions were issued.
3. Losing a judge is losing a job in the county.
4. Meeting was not as well advertised as it should have been. The placement of these meetings was fixed against the small counties/communities. This is a good meeting for those of us who are here. News reports didn't give the possible outcomes from the commission. The public meeting wasn't mentioned in the news article in Dighton.
5. This commission was established to take more things away from western Kansas and give to eastern Kansas.

g. Furloughs

1. Furloughs didn't stop the work – we're not serving the public.
2. Mental stress went on for months prior to furloughs because of not knowing what would be the final outcome (ex: maybe 6 weeks of furloughs?); had to work several days ahead of time in order to be closed; had to do special recordings to tell about the closures; judges couldn't hear cases because clerk's offices were closed; very stressful time.
3. The furloughs did tremendous harm: they denied access to the courts, injured the clerks because their work piled up; a good clerk quit because of the furloughs. Furloughs absolutely should not be done. Most harm is done to the

people who do the most work for us. More people will quit if the furloughs happen again this year.

h. Other

1. There are legislature-caused issues (is defendant able to pay fines); court-caused issues (technology – can defendant appear by video or must he/she appear in person) to be considered.
2. Commission must consider use of interpreters.
3. You (Topeka) just don't know how we function here until you've been here.
4. DMJs should have been asked all along for their input on court decisions.
5. Consider what will be done with court records if a court is closed. Court records go back into the 1800's.
6. Why would you want to close courthouses without taking care of all the resultant effects: recording documents, mortgages, etc.
7. Commission should return the courts to the local people and decentralize the court system. Local decisions need to be respected. Local control is essential.
8. Law enforcement officers having to travel with prisoners leaves that area inadequately protected in areas with small number of law enforcement officers.
9. Sedgwick County appoints people to hear some types of cases; these people are neither appointed through a district court nominating commission nor elected by the people.