

Blue Ribbon Commission
Independence Community Meetings, May 23, 2011
Attendance: by-invitation meeting, 13; public meeting, 8.
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**

- b. Keep at local level**

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

a. A/V & Other Technology

1. In early hearings, technology could be used.
2. Some expert witnesses could testify that way.
3. Technology can help with timeliness.
4. SKYPE and video can speed up processes.
5. Videotape juvenile hearings to avoid transportation concerns/costs.
6. Use other technology (e.g., ankle bracelets) to reduce costs.
7. Skype or other internet-based appearances should be fine for technical witnesses in particular, should be mandated statewide, and should be admissible in jury trials.
8. FullCourt should be accessible at every court state-wide from every court state-wide. All counties should be able to share all information.
9. All state and local law enforcement agencies and courts should have compatible and interactive systems to get to a “single entry” system – that would lead to even more efficiency.
10. Court notes needed to be accessible to clerks during hearings, and that clerks should be able to see what was happening in court during court.
11. KCJIS should be compatible with the Federal tracking system.
12. Multiple entries in various systems are required. This is crazily inefficient.

13. Ticket information now is not timely entered by officers, and that creates more work for clerks because often the tickets are paid before the info is entered in the system – this requires letters from the clerk’s office to the ticket payers.
12. Having library or court-house computers available to pro ses could help.

b. E-everything

1. E-filing should be implemented ASAP.
2. E-filing will lead to efficiencies.
3. All law enforcement should use e-filing.
4. E-filing’s queuing of entry types is a positive, as is e-mailing within the system.
5. Going paperless should help the courts with space and other costs.

c. Anti-technology

1. Pro ses will always be frustrated.
2. Judges like paper.
3. With a jury trial, all should appear in person.
4. Watching live testimony is far better than just hearing or reading it.
5. Pro ses will have difficulty with e-filing, and pro se cases are increasing. Some manual filings might be necessary.
6. Clerks spend a great deal of time assisting people with the courthouse computers now.
7. Many persons within the court system were challenged already with written material, and would not be able to use computers.
9. Very simple written instructions might help with the use of computers. But foreign languages will be a problem also.

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

a. Consolidate/share

1. The Supreme Court needs to have the ability to move staff and judges around – all or relatively all are now legislatively mandated. That needs to change.

2. Difficulties with having certain judges elected and others appointed complicates that process possibility.
3. Some counties have (and need) 2 courthouses, and the courthouses are provided to the Judicial Branch by the counties at virtually no cost, and with county-paid staff that help the courts.
4. Consolidation will not necessarily save any money, and could cost money through re-modeling, travel, etc.
5. Courthouse closings do not have to happen with consolidation.
6. A benefit of consolidation of districts could be the ability of judges to specialize, as happens in the urban districts. This could have a terrific upside.
7. The Court was wise in trying to get ahead of the legislative thrust to consolidate.

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

1. The Supreme Court needs to have the ability to move judges around – all or relatively all are now legislatively mandated. That needs to change. Difficulties with having certain judges elected and others appointed complicate that process possibility.
2. In elected districts, judges often think they are training their next opponents when they train DMJs.
3. Some think of DMJs are “not real judges” because they often are not law-trained, their decisions are automatically appealable, and often are not used in the urban districts.
4. The entire state should have one selection method for judges.
5. Elected judges know a single decision, even when they strictly follow the law, can haunt them at the next election.
6. An attendee stated he never saw a judge defeated for following the law.
7. A particular district should never have both judge-selection methods.

c. Other

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

a. Access to justice/timeliness

1. Having to work through problems with administrative agencies is a problem because they are in Topeka, and witnesses etc. are not.
2. With pro ses, judges should try to help by recognizing what they are trying to do and fitting that into the legal requirements of cases.
3. People must feel that the court system functions fairly and effectively – the system makes decisions that affect lives.
4. All arrestees must see a judge quickly.
5. Timeliness is sometimes a problem in smaller counties because there are fewer judges.
6. Court orders are not necessarily followed in the jails.
7. As a pro se, it is difficult to figure out what needs to occur with a court case and there is no one to ask.
8. It is becoming more difficult to bring pro se cases and understand what is going on in court. Not knowing what new processes were needed, and not understanding the language are difficulties.
9. Access to the courts needs to be easy. The appellate process in particular is more difficult, and no one helps at the clerk's office.
10. The system is owned by taxpayers, should be accessible, and forms and processes should be easier.
11. Access to justice must remain paramount.
12. Increases in fees could be limiting access to the courts.
13. Unbundling of attorney services (fees) is occurring and might help pro ses with pieces of what they need in court.
14. Volunteers might be enlisted to help pro ses but cannot give legal advice.
15. SHOULD help be provided to pro ses? If so, HOW MUCH.

b. Process changes

1. CINC cases needed to be sped up. SRS regulations that require timeliness should be universally followed (sometimes they are selectively applied), the CINC laws needed changing, adoptions needed to be simplified and sped up, especially when a child is in state custody. Parents are given too many chances to improve their behavior. Things should not be drug out, especially after TPR.
2. There is a natural reluctance by the state to terminate parental rights.
3. Get the parties together before trial and explain things. They'll then settle. This could cut judges' loads.

4. Universal mediation BEFORE going to trial, like the “early assessment” process in federal courts, should be implemented.
5. Judges should encourage mediation with civil cases.
6. Judges should explain how expensive cases will be if they go to trial, and attorneys should do the same.

c. Money/vacancies

1. Increased filing fees will eventually lead to fewer filings (e.g., small claims, divorces in particular).
2. Several defendants with well over \$1,000 in fees/fines will never pay.
3. With crime up, funding should not go down.
4. Maybe county funds in certain designated accounts (e.g., law library funds) should be made accessible to the Judicial Branch to use as it sees fit.
5. These represented large amounts statewide, with Johnson County in particular having a huge library fund.
6. Counties have built up large highway funds, and a portion of the funding of these comes from an allocation of docket fees.

d. Legislature

1. The state needs to fully fund the Judicial Branch.
2. Legislative action often has unintended consequences, e.g., when offender supervisions decrease, funding (to CSO) goes down, but court costs remain or go up.
3. Community corrections cut budgets so now the staff in Independence have no working space.
4. Some of the meth laws (e.g., stealing from drugstores is more heavily penalized than thefts from others) have resulted in person theft rather than store theft.
5. There are border box sentencing problems - more sentencing discretion should be given to judges.
6. Recent DUI changes would result in higher court costs because more D&A tests will be required, but defendants have no means to pay for those.

e. One judge per county

f. BRC

g. Furloughs / staffing

h. Other

1. Pro ses are a major drain on clerk time. Clerks try to help as much as they can, but may not give legal advice). Some training might be given to clerks so they know what they can and cannot do.
2. KLS at times may be able to help pro ses.