

Blue Ribbon Commission
Liberal Community Meetings, April 27, 2011
Attendance: by-invitation meeting, 49; public meeting, 47.
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. Use A/V technology for appellate court hearings.
 2. Utilize video conferencing for hearings and motions which would cut down on judge travel. Would also cut down on law enforcement travel.
 3. The courts should utilize the KAN ED system which is an existing statewide infrastructure already in place.

 - b. **E-everything**
 1. Court Services could be better provided electronically by using the Kansas Prosecutors System across the state. This increases efficiencies in the clerk's offices.
 2. Obtain judges signatures for pleadings and judgments through e-mail. That would save travel time for attorneys and judges.
 3. Make all court documents available online.

 - c. **Anti-technology**
 1. Have tried using video conferencing for juvenile hearings but have found it to be unreliable.
 2. Technology is very expensive, need to factor in how to pay for keeping it up and running.
 3. You lose touch with the public when there is no face to face contact.
 4. The judge needs to see the person in court to judge credibility and evaluate testimony.
 5. There is a difference between appearing in court personally or over a camera. There is a stronger impact when the person appears personally before the judge, especially with juveniles.

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

a. Consolidate/Share

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

1. It is difficult to share judges since some of the districts elect judges while others have appointed judges. If you asked elected judges to drive to another district to help, you are asking them to serve people they didn't run for office in front of.
2. Judges in western Kansas may not handle as many cases but their travel time can be extensive.
3. We need both magistrate and district judges.
4. All appointed judges would allow for more flexibility.
5. We don't want judges to have to travel farther than they already are.
6. Utilize the magistrate judges more.
7. Magistrate judges do not have AA's and court reporters like district judges do.
8. Chief Judge in Elkhart does not have a fulltime AA or court reporter. When judges are working there, they share an office.
9. When judges travel, that leaves a court without their judge.

c. Other

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

a. Access to Justice/Timeliness

1. Seward County is ranked 3rd in the state for the highest percentage of kids receiving free and reduced lunches. Means that poverty is currently an issue in our community. If people don't have access to local courts for protection orders or limited civil claims, then access to justice is reduced. Also a public safety issue.
2. We want the courts accessible to us in our communities.
3. Access to justice is necessary in order to provide safety for our clients that are victims of sexual assault and domestic violence.
4. The people of western Kansas should not have to travel long distances to have access to the courts.
5. Access to the courts is a fundamental right for any citizen.
6. Certain cases, such as appeals from municipal court, need to have an appeal process available. When people have to travel farther, that increases their cost to appeal.

7. The Supreme Court has promoted litigants filing cases without attorneys, such as Protection from Abuse and Protection from Stalking cases. Those are useless programs if there is no judge available to hear the testimony.
8. We pay taxes like everyone else and have a right to access to justice like everyone else.
9. Access to justice is one of the foundations of our constitution. We have a right to have access to the court system and exercise our right for a trial.
10. When cuts occur, hope the Supreme Court is sensitive to their responsibility to shore up southwestern Kansas and make sure that access to justice is maintained.

b. Process changes

1. Change the first appearance process to where the party appears in front of the clerk and fills out paperwork as to whether they plead guilty or not. If they request a trial, then it goes in front of a judge.
2. Find a way to cheaply resolve disputes before a district judge is needed, possibly through mediation.

c. Money/Vacancies

1. Going to a federal system would be a financial burden to counties and cities.
2. It's not right to shift the financial burden from the state to the counties.
3. Want to make sure we aren't just shifting money and people and resources from western Kansas to the eastern half and then western Kansas ends up paying the consequences.
4. Clerk's offices are working shorthanded due to the hiring freeze. Many times clerks have to travel to other offices to fill in.
5. A hiring freeze will often turn into a firing freeze. Can't get rid of employees that aren't doing their jobs.
6. The county already pays a large portion of expenses for the judicial system. When looking at re-shifting, keep that in mind.
7. Need to make cuts where the money is being spent, not in western Kansas.
8. Counties will be forced to pick up the extra travel expenses of transporting juveniles if courts or judges are eliminated.
9. Let's make sure the cuts are across the board and everyone is carrying their share.
10. Need to look at how the court system can generate more income to be more self-sufficient.
11. The judicial system is expected to operate with less money when the caseload has not decreased, can't do that.
12. Raising filing fees will deny poor people access to the courts. People already feel like they have to have money in order to get justice.
13. Poverty affidavits are too limited. There are lots of people out there that don't meet the guidelines but still can't afford justice. Even if the filing fee is waived, they still have to pay for the other procedures that have to be done.

14. Would prefer raising filing fees to court consolidation.
15. Raising filing fees a small amount could still generate quite a bit of income.
16. Not only are filing fees shockingly lower in Kansas, but so are judicial and non judicial employee's salaries.
17. Require county hospitals, municipalities, and schools to pay the filing fees upfront like everyone else.
18. It is already very difficult and expensive to practice law when you have to travel 60 – 90 miles between courthouses.
19. The court system is not supposed to turn a profit.
20. There was legislation passed to try to get people to come out to western Kansas and the small communities by offering tax breaks. We need our court system. We can't afford to lose more people, resources, and money.
21. It is not efficient to pass on a cost to the people that have to travel.
22. If a court is a long distance away, it will discourage witnesses from coming forward due to the increased travel costs.

d. Legislature

1. Need to educate our legislature on what equal justice is.
2. Make statutory changes to what is eligible to be heard in court or appealed.

e. One judge per county

1. We want to keep one judge per county.
2. If we get rid of one judge per county it will further limit access to justice and would cause harm to our communities.
3. We need judges who are local. It matters in the administration of justice because they know the differences in the communities and they know the people.

f. BRC

1. Rural counties carry an insignificant number of votes in the legislature. Need the BRC to speak for the needs of southwest Kansas.
2. Don't want the BRC to make recommendations that will disenfranchise rural Kansas to take care of the problems in more urban areas.

g. Furloughs

1. If the courts were open 1 hour less per day for 16 weeks, that would equal two weeks of furlough. Instead of closing the courts, reduce the hours.
2. On furlough days the mail didn't stop coming in, people didn't stop wanting to file cases. Just had to work harder and longer to catch up afterward.
3. Furlough days jeopardize the statutory requirements for hearings. They may save money but it is not complying with the law.

h. Other

1. Law enforcement has worked hard to decrease the crime rate. Crime is now down. If start pulling judges and resources from the community, will all of those accomplishments be out the door?
2. Our court system is running efficiently the way it is.
3. If I request a jury trial, it is to be by my peers and my peers are from here, not another district.
4. Need to look for cuts in other areas besides the judicial system which has a huge impact on our quality of life.
5. The court system is not a business. Efficiency is not the goal of the court system, justice is. There are embedded inefficiencies with access to justice. No control over whether a case goes to trial or not.
6. If close courts then you are putting more people on the roads which means more fatality accidents.
7. Look to other states for ideas and possible solutions.
8. Need to maintain probation officer positions in the counties.