

Blue Ribbon Commission  
Pittsburg Community Meetings, May 26, 2011  
Attendance: by-invitation meeting, 8; public meeting, 0.  
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. It would be ok to not have a courthouse in Oswego. A judge would like to see everything in Parsons. This would require legislative change.

**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 Technology**

1. Whatever system is implemented needs to be consistent across the state.

2. Western district of Missouri handles pre-trial work not in person.

3. A judge uses videoconferencing a lot for first appearances. County pays travel costs. Videoconferencing could be used more if we had e-filing – so that judges had access to files.

4. Videoconferencing should be used as a tool for efficiency. This would be so helpful in uncontested divorces, etc.

5. It's sometimes difficult for the smaller districts to get IT support.

**b. E-everything**

1. E-filing can be good. Basic systems/processes need to be modified first.

2. E-filing was cut by legislature from Judicial Branch's budget. Multi-county districts have the situation where the judge is in one county, but the file is in another county. E-filing will cure that problem. Legislature will have to find the money to make this happen.

3. Good experience in a small county with e-filing—it's quick and efficient.

4. Johnson County has e-filing. Lack of e-filing causes slowdowns, increased travel. Federal system's e-filing is very efficient. You get in trouble if you send actual paper to the federal bankruptcy court rather than e-filing.

5. E-filing is good, but lack of technology savvy could alienate a portion of our people.

6. Videoconferencing could be used more if we had e-filing – so that judges had access to files.

7. Complaint to OJA: Clerks keep getting more responsibilities, but nothing is ever taken away. E-filing would help alleviate work/tasks for her.

### **c. Anti-technology**

1. There is a growing pro se phenomenon in the court's work – these folks generally have lower level technology skills. He recommends the Commission look at the pro se judicial council forms; there are links on the KLS website to forms. Whatever technologies are used at this point to increase efficiency need to be more user-friendly. It's hard enough to be pro se now; if the courts go to e-filing, it becomes substantially harder. Ex.: people don't know what “What is your jurisdiction?” means. Would it be cost-effective to use funds to make better forms?

2. Some statutes require an in-person hearing.

3. Sometimes the quickness of electronic communication doesn't allow for cooling down – like the slowness of mail does.

### **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 is not necessarily a bad thing, but to people with low incomes, distance is a barrier to justice. Divorce hearings, protection from abuse hearings that require great travel distance, can prevent justice.

2. One mentioned there was going to be a centralized records system in Topeka that would allow anyone to look at anything anywhere in the state, but hasn't heard more about this.

3. Access to the courts is not just access to the paper. Consolidation of districts could leave out the people of this district – if the people from this district had to go to Sedgwick, Johnson, or Lyon counties for a courthouse, it would cut them off. There's no public transportation; a lot of people who need the court system don't have cars here. A judge knew of a man who walked from Oswego to Parsons (10 miles one way) to get to his court hearing.

4. The Commission should remember that it's hard to have centralization when there isn't centralized funding: salaries are paid by state, but everything else is paid for by the county.

5. Some two per county courthouses aren't big enough to hold all county offices.

6. Consolidation from the '70's was only half done: originally, the state was supposed to fund everything, but it only funds salaries.

7. Each district has to find its own IT people. If he has problems with FullCourt, they call a private vendor paid for by the county to help it – they don't call the state. Without a centralized budget, all improvements will be done piecemeal.

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

1. Magistrates can handle lots of things that district judges now handle.

2. Don't let the judges off the hook; part of the judge's job is helping people get through a situation.

#### **c. Other**

1. Centralization could be used on the local level such as Sedgwick County's centralized dockets; they are great, very productive, highly successful. Highly complex cases can be permanently assigned to a specific judge; but other cases are not. Courtrooms there are always full; motions are quick to be heard. Centralization in rural counties may require some travel.

2. A motions day should be held every 10 days so that people can get their issues heard very quickly – as opposed to having people wait weeks / months.

3. Uniform practices are helpful, but this state is very large; allowing flexibility to meet the local needs is important.

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

**a. Access to justice/timeliness**

1. The court system should adopt modern management principles: meaningful access to justice is essential.
2. OJA through Art Thompson, Marilyn Harp, KS Legal Services, Joyce Grover, KCSDV all work on forms.
3. At the last judicial conference, someone spoke about Nebraska's system of court kiosks that help pro se litigants. Alaska has its court houses in the back of the post offices; they have figured out systems where disputes can be handled without courthouses. Hennepin County, Minnesota (Minneapolis) has a model for helping people with legal questions by phone.
4. There is a concern that the forms coming out of these different groups may not be compatible.
5. Pro se litigants don't know that some forms are worthless – they have to have the right forms. A clerk spends a lot of time with pro se litigants. We have to be careful about forms: just because someone has a form doesn't mean they have the right form or that they know the process of what to do with the form.
6. Telling pro se folks that they need a lawyer causes them to say, I can't. A clerk can see a problem with a kiosk-type of situation: she sees someone getting mad at their neighbors and filing a PFA against the whole block. Maybe we need more education to help people learn legal processes.
7. Kansas Legal Services is not allowed to do a child support worksheet without getting involved in custody issues.
8. Kansas Legal Services can help about 60% of the people who apply for help.
9. Mediation can assist efficiencies, could cut back on court time.
10. One local rule requires mediation before a final hearing.
11. Sometimes finding enough mediators is a problem. Only a certain number of people want to do it and are good at it. It's hard to qualify as a mediator in the state. It's hard to get mediators qualified in the state; it takes a lot of hours and money to get certified; it takes a lot of commitment. However, it's money and time well-spent. Not all attorneys are good mediators: attorneys are taught to be bull dogs, mediators aren't. Mediators are not required to be attorneys: social workers and paralegals can be good mediators. It's better to have law-trained mediators, if they spend the time to get trained.

It's financially difficult for solo practitioners in rural areas to get certified, considering the time and money it takes. Certification has different requirements for civil and domestic mediation.

12. One judge sends most civil cases to mediation. There's no statistics on how many cases that go to mediation actually settle without court involvement. He thinks this should be left to local rules, not overall requirements.

13. Requiring a mediation report to be filed with the court might tend to be prejudicial. A judge might take it into account if someone didn't show up for mediation.

14. Some cases that seemed resistant to mediation, were still successful because the mediator is good.

15. Access to the courts is not just access to the paper. Consolidation of districts could leave out the people of this district – if the people from this district had to go to Sedgwick, Johnson, or Lyon counties for a courthouse, it would cut them off. There's no public transportation; a lot of people who need the court system don't have cars here. A judge knew of a man who walked from Oswego to Parsons (10 miles one way) to get to his court hearing.

#### **b. Process changes**

#### **c. Money/vacancies**

1. A lot of the receivables are criminal, restitution, and traffic. One court allows online payments; however, e-payments have a fee – the higher the fine, the more the fee. Some law enforcement officers can accept credit card payments right on the spot.

2. Clerks are required to take any amount of payment (\$1 or \$5 at a time); that's a huge usage of clerks' time that could be used elsewhere. Space issue: do we revoke probation because someone hasn't paid their court costs, then send them to jail, which are overcrowded, and on and on.

3. On revocations, the bond can be just cash, and it's amazing how fast people can come up with cash. She pursues the bondsmen for skips.

4. County funding is a two-edged sword: sometimes it's a plus, sometimes not.

#### **d. Legislature**

1. Legislature should pass a bill requiring losers in lawsuits pay; this will get rid of nuisance cases. This was done successfully in Texas. It doesn't deny access to justice. Plaintiffs rethink the filing of nuisance cases.

2. Some statutes require an in-person hearing.

3. The legislature needs to fund legal services more.

4. Legislation allows CJ to investigate e-filing.

5. Statutes prevent a judge from just using cash bonds in some instances; people have the choice of doing cash or cash surety bonds.

6. It would be ok to not have a courthouse in Oswego. This would require legislative change.

7. A judge would like to see the legislature give the Chief Justice the flexibility to run the judicial branch budget, including determining whether each county should have a judge.

**e. One judge per county**

**f. BRC**

**g. Furloughs / staffing**

1. Either cut back on the amount of tasks, or give us enough staff to do the job.

2. The whole purpose of the weighted case load study is to assist with staffing.

3. Johnson County loves their county commission – they can hire more judge-type people to hear cases.

**h. Other**