

Blue Ribbon Commission
Topeka Community Meetings, May 17, 2011
Attendance: by-invitation meeting, 22; public meeting, 20.
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. It may be possible to have videoconferences for initial hearings.
2. First appearances and other early hearings in legal processes could be heard through video/audio-conferencing, but not trials or sentencing hearings.
3. There is a shortage of qualified interpreters, but video remote conferencing can help alleviate that, especially with short hearings.
4. "Realtime captioning" computer technology assists deaf court attendees and is especially good in noisy courtrooms.
5. KLS thru technology provides on-line and hard copy forms for pro ses, including Kansas-specific forms. Technology is used in completing the forms. On-line and live assistance with forms use is also provided by KLS to pro se litigants.
6. KLS has an on-line list of newspapers that may be used for legal notices.
7. Counsel should be able to appear by phone or video, maybe with the client live before the judge.
8. Default divorces should be able to be completed by affidavit with no appearances at all.

b. E-everything

1. On-line availability of court records would be extremely helpful to KLS, but pro ses are not adept at technology and rarely have access to technology.
2. Shawnee's limited actions docket increased efficiency. Electronic filing system for those cases created even greater efficiencies.

3. The state should fund the entire e-filing system for Kansas courts.
4. Attorneys using e-filing in Shawnee County for the limited actions cases are very favorable towards e-filing, and noted the system was used for child support and domestic cases also.
5. With e-filing, IT support should be available through the vendor, on-line help, and OJA.

c. Anti-technology

1. Re electronic hearings of any type, indigents typically do not have any forms of electronic communications, and the presence of a defense attorney is not enough.

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

a. Consolidate/share

1. Civil commitments need to be looked at – these should be able to move between courts or should use local courts of commitment for some hearings and certain portions of trials, rather than exclusively using courts where the original cases were filed.

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

1. DMJs are crucial to access to justice.
2. The first access to justice is typically thru a DMJ. They are closer than district judges to those entering the court system.
3. Even if not law-trained, DMJs can handle simpler cases and activities.

c. Other

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

a. Access to justice/timeliness

1. Closing courthouses would deny indigents their constitutional due process rights under the 4th and 16th amendments of the U.S. constitution and under section 10 of the Kansas constitution's bill of rights.
2. In FY 2010, public defenders for the state of Kansas handled 13,900 cases, and another 11,000 were handled by assigned counsel, a total of nearly 25,000 cases, for indigent defendants.
3. The Kansas Commission for the Deaf and Hard of Hearing organization keeps a registry of signing interpreters for use by the courts. Johnson County uses local interpreters.
4. Interpreters also help educate deaf court attendees.
5. There are a very few non-English interpreters for the hearing/speaking impaired; sometimes 3-way translations are necessary.
6. In 2010, KLS provided legal services to over 20,000 people in Kansas, including 2,000 court actions affirmatively in 92 counties through its 13 offices, mostly civil, but including some criminal case in certain counties.
7. KLS in civil cases can assist person who meet the legal definition of "poor" or if a victim of domestic violence. KLS can also assist otherwise with the use of forms, the library, etc., but if a true emergency, forms are not enough, and KLS often recommends an attorney because usually a large number of temporary orders might be needed.
8. Proximity of citizens to courthouses and to judges is crucial. Things need to be kept local, regardless of cost.

b. Process changes

c. Money/vacancies

1. Appearance funds should be made available to indigent defendants.
2. BIDS gets funding through a small amount (\$0.50) from each docket fee in the state, and funding from the state general fund.
3. Court trustees and the attorney general's office handles fee collections, but with little collected with high effort.
4. KLS pieces its funding together from several sources – federal, state, private, and including pro bono attorney services.
5. KLS often assists clients with fee waivers (filing fees are now up to \$175).
6. A bonding program, called OR (own recognizant) Cash Deposit Bonds, was used for many years in Shawnee County. OR Cash Deposit Bonds are a hybrid between OR and professional surety bonds. During the 2007 legislative session, bail bond lobbyists successfully worked to have the law amended to severely limit the use of the OR Cash Deposit Bonds. Prior to that change in the law, an average of over \$300,000 per year was applied to defendants' court costs, fines, and restitution in Shawnee County. With the exception of restitution, which was

provided directly to victims, the amount collected from the OR Cash Deposit Bonds went directly into the state general fund. Since the Legislature restricted the use of OR cash deposit bonds, the amount applied to court costs, fines, and restitution in 2010 dropped to approximately \$40,000 for Shawnee County. If the Legislature expanded the usage of OR Cash Deposit Bonds, the collection rate of courts costs and restitution would increase significantly.

7. The OR bonding program could work well in rural areas, and could be accounted for in the FullCourt system.
8. Re collections generally, Shawnee County courts use court trustees and a contractor on the Attorney General's approved list.
9. There is a large amount of fees uncollected and probably uncollectable.

d. Legislature

e. One judge per county

1. All county courts need to remain in place.
2. Each county should have a functioning courthouse, and each county should have at least 1 judge.
3. Cost is not the key in rural and in urban areas.

f. BRC

g. Furloughs / staffing

h. Other

1. There is a general need to enforce judicial ethics.
2. Rules about published opinions of the Supreme Court of Kansas are not being followed by that Court.
3. Domestic courts are a business rather than a judicial organization.
4. Innovation could solve these problems – a public notice website to inform citizens of corruption, and an independent citizens' oversight panel empowered to alter decisions of the court and remove judges from cases.
5. Oversight and accountability of the courts is needed and information on the courts should be available on the web.
6. CINC and TPR issues in Kansas show the need for independent citizen panels to oversee the judicial system.
7. Transparency of CINC cases is needed.