

CHAPTER 1

History of the Appellate Courts

Even prior to the advent of statehood, appellate justice in Kansas was administered by three justices of a Supreme Court. With statehood and an increasing population, the volume of litigation and the number of appeals grew. Several separate revisions of the appellate court system have taken place over the years in an effort to meet the citizens' growing demands on the appellate judiciary.

The first revision was the addition of three commissioners in the late 1880's to assist the three justices. Then, in 1893, the commissioner system was abolished and, in 1895, the first Court of Appeals of Kansas came into being. There were actually two such courts, a northern department and a southern department, each with three judges. Each department had three divisions—an eastern, a central, and a western. In the northern department the eastern division sat at Topeka, the central division at Concordia, and the western at Colby. In the southern department the eastern division of the court sat at Fort Scott, the central at Wichita, and the western at Garden City. The decisions of those courts may be found in the *Kansas Appeals Reports*, Volumes 1 through 10.

The third revision occurred in 1901, when the Court of Appeals was abolished and the Supreme Court was enlarged to seven justices.

By 1963 the volume of cases in the Supreme Court had substantially increased and the legislature again authorized the appointment of a commissioner to aid the court in disposition of appeals and writing of opinions. The fifth revision was the creation of a second commissioner position in 1965.

Effective January 10, 1977, the present Court of Appeals was established consisting of seven judges. At the same time the two commissioner positions on the Supreme Court were abolished, reducing that court to its present complement of seven justices. The two commissioners, then in office, by statute became the first members of the newly-created Court of Appeals. Other members were appointed by the Governor.

On July 1, 1987, the Court of Appeals was expanded from seven to ten members. On January 1, 2003, an eleventh position was created, on January 1, 2005, a twelfth, and on January 1, 2008, a thirteenth position was created. The modern Court of Appeals has no geographical divisions but is authorized to sit in any courthouse in the state. The Supreme Court sits only in Topeka.

For a more detailed history of the Kansas Appellate Courts, see *Requisite Learning and Good Moral Character: A History of the Kansas Bench and Bar*, Robert W. Richmond, editor, Kansas Bar Association (1982).

A list of the justices of the Supreme Court since statehood, its commissioners, and the judges of the Court of Appeals appears at Appendix A.