

HOUSE COMMITTEE ON THE JUDICIARY

Honorable John Barker, Chairman
Honorable Charles Macheers, Vice Chairman
Honorable John Carmichael, Ranking Minority Member

March 3 2016

TESTIMONY ON BEHALF OF THE
KANSAS DISTRICT MAGISTRATE JUDGES ASSOCIATION
IN SUPPORT OF HOUSE BILL 2704

Thank you Mr. Chairman and Committee Members for extending the Kansas District Magistrate Judges Association the opportunity to appear before you today. My name is Taylor Wine and I am Legislative Chair of the association. I serve the people of the Fourth Judicial District, including my home county of Osage. With me today is Guy Steier, President of the Association. He serves the people of the Twelfth Judicial District including his home county of Cloud.

The Association represents seventy-nine district magistrate judges across the state. While many of us serve in rural counties, there are magistrates who serve population centers in places like Johnson, Riley, and Finney counties. We routinely hear cases in twenty-five of the thirty-one judicial districts in the state.

While our friends in the District Judges Association are judges of general jurisdiction, the magistrates have limited jurisdiction. But, as some members of the committee might recall, that jurisdiction is not so limited any more. Legislation during the previous two sessions expanded our jurisdiction to include cases previously reserved for district judges only. These types of matters include uncontested divorces and chapter sixty cases by agreement of the parties.

Moreover, the legislative change in the appeals process now sends appeals from magistrates with law degrees directly to the court of appeals. This modified the previous law that directed all appeals from a magistrate to a district judge. The result is magistrates with more responsibilities – jury

trials and decisions that must now face the scrutiny of the appellate courts. Our organization answered that call. When you read recent appellate decisions, you see a number of cases with magistrate judges affirmed on issues like search and seizure and child in need of care, including a case of first impression.

With most employment, increases in job responsibility are commensurate with an increase in salary. While our jurisdiction expanded towards handling the vast majority of cases filed in the court system, our salary remained constant. We continue to make less than \$62,000 per year, or about half the salary of a district judge. We ask the committee consider a salary increase that recognizes our expanded roles.

We also request the committee consider how long the judges of the district court have gone without a salary increase. This last occurred in 2006, when the legislature acknowledged the work of judges serving in the district courts with a \$9,000 raise. Since then there has been only one cost of living adjustment – 2.5% in 2008. Inflation effectively eroded the benefit of that raise away. Our salary from 2008 carries the buying power in 2016 of only \$56,343.00.

The compensation of magistrates caused some members of our organization to seek other employment. Since last summer two of our members resigned to pursue higher paying legal careers outside of our district court system. We believe, absent a salary adjustment, more magistrates will consider similar moves.

HB 2704 also requests a pay raise for non-judicial staff. This includes the court services officers and district clerk employees who assist the judges and serve the public in every county. I will illustrate the need for their pay adjustment with a situation in my judicial district. We have a current opening for a deputy clerk. We received half the number of applications for this position compared to three years ago. We extended a job offer in succession to our top two candidates. Both individuals declined the job after calculating their current compensation as bank tellers provided a better pay package than we could offer. When our judicial district cannot compete with entry level secretary or teller jobs, we will struggle to fill and retain capable individuals in our court system.

Mr. Chairman and committee members we are thankful for the kindness this committee showed in taking up this bill. We appreciate the funding the legislature already provided for us this year. On behalf of our association, and in conjunction with our colleagues and support staff, we urge the committee to adopt HB 2704. Judge Steier and I now stand for questions.

Submitted with Respect,

Taylor Wine

Legislative Chair, KDMJA