

House Judiciary Committee Meeting
Thursday, March 18, 1965

The House Judiciary Committee met Thursday, March 18, 1965, in Room 523 at 9:00 A.M. with Chairman Jack R. Euler presiding. Eighteen members were present. Members Amrein, Gray and Griffith were absent.

Chairman Euler called the meeting to order.

Charles McAtee was present concerning House Bill No. 984, an act relating to the state security hospital at Larned, amending existing K.S.A. 76-2460, 76-2461 and 76-2463, and repealing said existing sections, and also repealing existing K.S.A. 76-2460a and 76-2462. He explained the problem that would be created if no authority is given to hold a prisoner after the expiration of his term, if such prisoner is mentally ill. After a great deal of discussion the committee agreed that a floor amendment would be offered to House Bill No. 984 as follows: "Provided, however, That if the prisoner shall be in need of continued care or treatment at the expiration of his term, then an application to obtain such care or treatment for said prisoner shall be filed in conformance with the provisions of the act for obtaining care or treatment of a mentally ill person."

Chairman Euler appointed the following subcommittees: Members Foster and Roberts concerning House Bills 946 through 959, both inclusive; Members Bell and Davis concerning House Bills 960 through 973, both inclusive and Members Rogers and Barnhill concerning House Bills 974 through 988, both inclusive.

Chairman Euler explained House Bill No. 944, an act relating to the juvenile code; providing for the temporary custody of a child pending a hearing, or the commitment of a dependent and neglected child, the deprivation of parental rights, the consent for such child's adoption, and the providing of hospital care for such children; amending existing K.S.A. 39-819 and 38-824 and repealing said existing sections. He pointed out the changes in lines 7, 10 and 11 of page 1 and line 5 on page 2.

Mr. Coldsnow moved that House Bill No. 944 be recommended favorably for passage. Mr. Van Cleave seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Appearing in connection with Senate Bill No. 268, an act concerning the establishment of judicial departments within the state for certain courts and providing procedures, powers and duties of certain judicial officers, and repealing existing K.S.A. 20-311a, 20-311b and 20-311c, were District Judges William H. McHale, Harry G. Miller and Earl E. O'Connor.

House Judiciary Committee Meeting
Thursday, March 18, 1965
Page 2

Judge McHale stated that they are asking for an additional judge in Wyandotte County. He referred to the figures on the attached excerpts from the October, 1964, Kansas Judicial Council Bulletin. These figures show that they have not lightened their case load any. They are now two years behind. Judge Miller pointed out that they have the same number of judges as they had in 1926 and their case load keeps getting heavier. It is a big problem. He stated that occasionally assigning a judge to help them is fine, but that this won't solve the problem. He said they are not fulfilling their obligation to the public when they have to try cases that are one and one and one-half years old.

Also present concerning Senate Bill No. 268 were Supreme Court Justices Robert T. Price and William J. Wertz.

Senator Harold S. Herd spoke briefly concerning Senate Bill No. 268. He stated that at first he was opposed to any reorganization of the judicial system, but after studying the subject, he saw the need. The only answer is some kind of administrator. This administrator can't be just a clerk as he originally thought, but must be someone who can exercise some discretion. The chief justice doesn't have the time to make the proper transfer of a judge from one area to another area. Mr. Davis asked if he honestly believes that one judge can take over for another judge. Senator Herd stated that presently there is a rule against this, but believes that one judge could pre-trial and another try it or one judge handle a motion or two in regard to a case and then another judge handle the case.

Mr. Goldsnow pointed out that they were doing this very thing by local rule for Sedgwick County. He said it will take a great deal of judicial restraint not to be professionally jealous.

Mr. Bell said that personally he thinks that the assignment of different judges is necessary for the speedy disposition of the case. The question is whether this judicial department will allow the district court to assign between cases.

Senator Herd said that it will need to be clear between the administrator and judge who would be over that area.

Judge O'Connor pointed up the need for some court administration by presenting figures in regard to case loads per judges in certain areas and average case loads. He stated that this judicial administrator is a step in the right direction for some much needed administration.

He went on to state that the judges with small case loads do want to work.

Justice Price stated that he would like to answer the question raised by the Sedgwick County people concerning the rule that was made against their using more than one judge per case. He said that they received records where the abstracts would show as many as five different judges had handled the case. They thought this was difficult in support and custody matters. Conflicting orders would show on motions, etc. This just arose in Sedgwick County. After due consideration, the committee of district judges from Topeka made a rule that a case stay with a judge from its inception. That is the reason for that rule. That rule was not made in contemplation of the situation that would be presented with Senate Bill No. 268. If this bill is passed, there would have to be a revision in that particular ruling to take care of practical aspects as they arise. That rule could be tempered down to fit any situation created by the passage of Senate Bill No. 268.

Mr. Bell asked if this would encourage them to bring in outside judges over switching with their own judges. Justice Price said he didn't know. Statistics don't tell the entire story. The rule which was promulgated to take care of this undesirable situation was not passed with contemplation of the situation under Senate Bill No. 268. Many rules would have to be adopted later when you come to the actual problems created.

Mr. Coldsnow made reference to page 2, lines 11 and 12. He asked if this shouldn't be made more clear. Senator Bennett said this question came up in the subcommittee's consideration and it was thought that this would cover asking retired judges to try the "said case". There would be no substantial injustice to make it more clear. There was no intention that anyone let a justice of the peace come in and try a case.

Chairman Euler asked if there were any further questions.

Ron Kull, Secretary to the Kansas Bar Association, said it has been very successful in the states where it has been done.

Speaker Hill said the administrator would catalogue by types of cases, how long the matter should run, etc. It would be more than just listing cases.

Chairman Euler asked if there were any further questions or comments concerning Senate Bill No. 268. Senator Bennett pointed out that the administrator has the time to weigh these cases. Each case or type of case has to be weighted and this needs a person with some know how and who has the time.

House Judiciary Committee Meeting
Thursday, March 18, 1965
Page 4

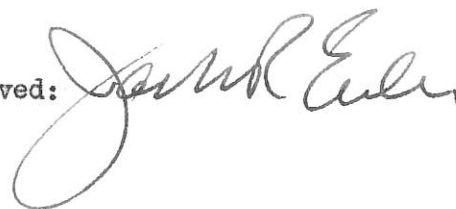
The committee will introduce a committee bill in regard to the Sedgwick County Attorney to remove him from the practice of private law. He is not opposed to this bill providing the salary is of a sufficient amount to satisfy him.

The committee agreed to the following amendments to House Bill No. 902 to be proposed on the floor: on page 1, line 11, by striking the colon and inserting in lieu thereof the following: "and who is or who probably will become dangerous to himself or the person or property of others if not given "care or treatment":"; also, in line 17, by striking the words "would be likely to" and inserting in lieu thereof the words "who probably will"; also, on page 12, after the end of line 13 by inserting a new subsection as follows: "(D) An order of advancement. Upon request by the proposed patient or his attorney, the probate court shall advance the date of the hearing to as early a date as is practicable."; also, on page 25, line 18, by striking the comma at the end of the line; in line 19, by striking the words "parents and children" and inserting in lieu thereof the words "and parents of minor children"; on page 26, line 2, by striking the following: ", parents, or children" and inserting in lieu thereof the words "and parents of minor children"; in line 5, by striking the following: ", parents, or children" and inserting in lieu thereof the words "and parents of minor children"; in line 13, by striking the following: ", parents or children," and inserting in lieu thereof the words "and parents of minor children".

The meeting adjourned at 10:00 A.M.

Respectfully submitted,
Jack R. Euler
Chairman

Minutes approved:



EXCERPTS FROM
KANSAS JUDICIAL COUNCIL BULLETIN
October, 1964

Table A-2: SUMMARY OF DISTRICT COURTS BY DISTRICTS. Year Ending June 30, 1964.

	<u>CIVIL CASES:</u>			<u>CIVIL CASES:</u>	
	<u>Pending</u>	<u>Pending</u>		<u>Commenced</u>	
	<u>Jul. 1, 63:</u>	<u>Jul. 1, 64:</u>		<u>Jul. 1, 63 - Jul. 1, 64:</u>	
JOHNSON:	1372	1577	*	1787	
SEDGWICK:	6919	4739	*	5599	
SHAWNEE:	1351	1354	*	2333	
WYANDOTTE:	4148	4029	*	3260	

Table A-3: DISPOSITION OF CIVIL CASES, INCLUDING DIVORCE. Year Ending June 30, '64.

	<u>Total</u>	<u>Number</u>	<u>Number</u>		<u>Contested</u>		
	<u>Number</u>	<u>Dis-</u>	<u>Not</u>		<u>Trials:</u>		
	<u>Cases:</u>	<u>missed:</u>	<u>Contested:</u>	*	<u>Number:</u>	<u>To Court:</u>	<u>To Jury:</u>
JOHNSON:	1582	747	448	*	334	305	29
SEDGWICK:	7779	4950	1503	*	1130	1073	57
SHAWNEE:	2330	1021	795	*	461	400	61
WYANDOTTE:	3379	1875	788	*	632	530	102

CRIMINAL CASES: WYANDOTTE COUNTY DISTRICT COURT:

In Wyandotte County 240 criminal cases were filed between Jul. 1, 63 and June 30, 64; 321 cases were dismissed; 503 cases were on the docket according to the Judicial Council Bulletin; 78 cases were tried to juries during the year.

In addition, 333 police court appeals were filed during the same year; 90% of police court appeals are tried to the Court.

CASES FILED: WYANDOTTE COUNTY DISTRICT COURT. For period Jan. 1, 65 to and incl Mar. 12, 65.

- 188 - Jury (civil) cases filed.
- 457 - Court cases filed.
- 81 - police court appeal cases filed.
- 41 - Criminal cases filed.
