

MINUTES OF THE SENATE COMMITTEE ON JUDICIARYThe meeting was called to order by Senator Elwaine F. Pomeroy at
Chairperson10:00 a.m./~~p.m.~~ on March 16, 1983 in room 514-S of the Capitol.~~All~~ members ~~were~~ present ~~except~~ were: Senators Pomeroy, Winter, Burke, Feleciano, Gaar, Gaines, Hess, Mulich, Steineger and Werts.Committee staff present: Mary Torrence, Revisor of Statutes
Mike Heim, Legislative Research Department

Conferees appearing before the committee:

Marjorie Van Buren, Office of Judicial Administrator
Fred Lorentz, Judge of the District Court, Fredonia
John White, Judge of the District Court, Iola
James Smith, Associate District Judge, Garnett
Richard D. Loffswold, Administrative Judge, Eleventh Judicial District, Girard
Michael Sell, Judge of the District Court, Altamont
Donald Allegrucci, Judge of the District Court, Pittsburg

Senate Bill 407 - Redistricting of judicial districts and elimination of judgeship.

The chairman presented background information to the bill, and explained the three maps that were prepared by the research department. (See Attachments #1, #2, #3).

Marjorie Van Buren explained what would be involved as far as fiscal cost is concerned with creating a new judicial district. Copies of her reports are attached (See Attachments #4, #5, #6, #7). She stated the net fiscal cost to the state would be a decrease because of the elimination of the magistrate position. She stated they do not support taking Labette County out of the Eleventh Judicial District. She suggested changing the effective date of re-districting to July 1, 1983. Committee discussion with her followed.

Judge Fred Lorentz said he wanted to talk about how this came about. He explained the problem developed when Judge Spoon died. He stated eliminating the magistrate position, initially bothered the community. He stated they are in support of the bill. He said he had reservations, since Neosho County is a larger county than Wilson, and the provision that the district judge position is a permanent position in Wilson County. Judge Lorentz stated he is concerned with the effective date because of the practical problem of the budget year. He is also concerned about court reporters; it would leave the Fourth Judicial District with only one court reporter. He suggested establishing a new court reporter for those two districts to give those districts two full-time court reporters. He said the bill is very popular with the people with whom he has come in contact. Committee discussion with him followed.

Judge John White testified in support of the bill. They think creation of a new district would be more beneficial to the people in those counties. He has talked to the county commissions of Allen County and Woodson County, and they all support the bill. The bar association from those counties support it.

Judge James Smith testified in opposition to the bill. He feels the figures on the financial cost of the bill is somewhat misleading. Their district would be reduced to one court reporter for two judges; they now have to hire from county funds. He suggested the secretary and court reporter positions be added.

Judge Loffswold testified he is appearing not in opposition to the bill. He hates to lose Judges Lorentz and Ashley as judges; he feels the Eleventh Judicial District can carry their work. He feels the arguments presented are valid, but

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:00 a.m./~~pm~~ on March 16, 1983

Senate Bill 407 continued

when it comes to establishing judicial lines, it is serious. He suggested the committee consider all of the facts before changing the lines. The chairman inquired which effective date he would prefer if the bill passes. Judge Loffswold replied, from the county standpoint, January 1 would be ideal situation; wouldn't have the budget problems. There is no good time; whichever has the most disadvantage; feels July 1 would have the least disadvantages. A committee member inquired if they need a magistrate judge in Cherokee County if there is a death? Judge Loffswold replied, it is not a very simple matter to answer. Yes, if their magistrate judge should pass away, the resident judges in the judicial district could probably cover the cases. It would be rather difficult. The committee member inquired if he had a preference of allowing them to keep the associate position or this bill? The judge answered he would prefer keeping the associate judges; it is the ideal situation.

The chairman pointed out there were three bills dealing with judges and two with judicial district lines, House Bill 2114, Senate Bill 115 and Senate Bill 407, which could be melded together.

Judge Michael Sell testified he endorses the position presented by Judge Lorentz. He stated it is Justice Prager's suggestion to study future alignment of the districts in southeast Kansas, and they need to have full support of local areas and suggestions from them. He stated the only fault he finds with the bill is it stops short of completing the redistricting by not providing for distribution of caseload and manpower. He explained the four attachments showing the caseload activity of the district court by county or judicial district (See Attachments #8, #9, #10, #11). Judge Sell testified, we as judges, the same as legislators, are serving people. There are human factors to be considered, and the physical factors should be considered. In regard to the two options of the maps, the people he has touched base with, generally favor the combination with the Fourteenth Judicial District. Committee discussion with him followed.

Judge Donald Allegrucci stated he had not planned on addressing the committee except to respond to questions. He stated he would like to keep the Eleventh Judicial District as it is and fill the magistrate position. He has no objection to the proposal in this bill; the magistrates do a load of work. He would oppose taking Labette County out of the present judicial district; he would hate to see redistricting every session. After talking to Judge Prager, his impression is he would oppose taking Labette out of the judicial district.

Senator Hess moved to approve the minutes of February 18 and 21, 1983; Senator Gaines seconded the motion, and the motion carried.

The meeting adjourned.

GUESTS

SENATE JUDICIARY COMMITTEE

NAME

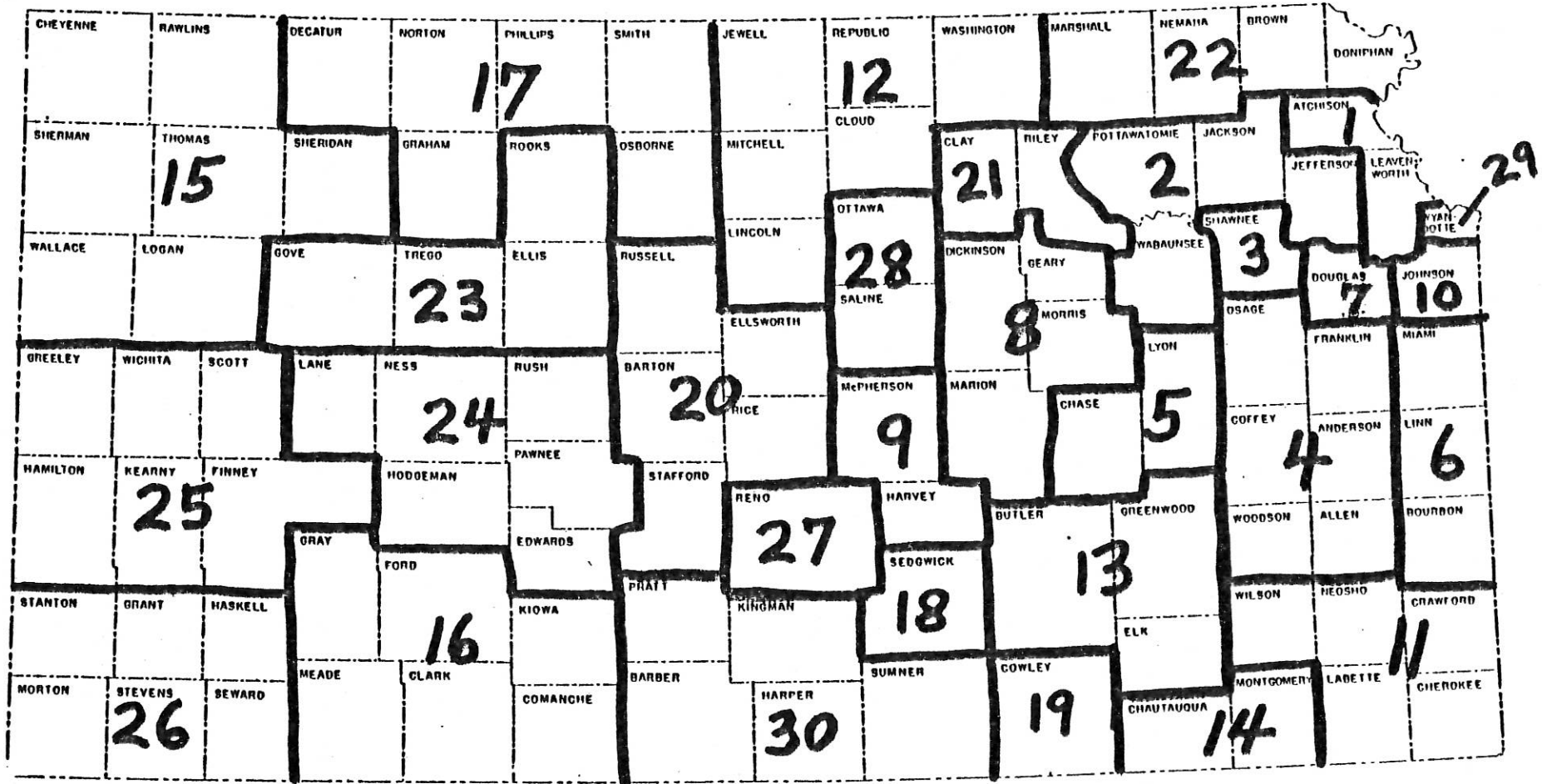
ADDRESS

ORGANIZATION

NAME	ADDRESS	ORGANIZATION
Don Call	Yates Center	District Court
John W. White	Jola	" "
Fred Kent	Fredonia	" "
Marjorie Vanburen	Topeka	OJA
Alvin Engstrom	"	K Bar Assn
James J. Smith	Garnett	District Ct
Kay Haller	Ottawa	4th Judicial Dist
John Steelman	Ottawa	4th Judicial Dist
Ruford D. Loffrud	Guind	11th Judicial District
Donald Allegretti	Pittsburg	11th Judicial Dist
Wade Hamel	Topeka	Jud. Con.
Matt Lynch	"	"
Michael Sell	Altamont	
Charles J. Hill	Parsons	11th Judicial Dist.
R. L. Selstrom	Wichita	Fed. Court
	Top	KTIK

3-16-82
#1

KANSAS JUDICIAL DISTRICTS
(S.B. 203 and S.B. 773, 1982 Session)



Atch. 1

#2

D = District Judge
A = Associate District Judge
M = District Magistrate

OSAGE
M
Lyndon

FRANKLIN
OTTAWA
D
A

4th District totals

D = 2
A = 2
M = 4

COFFEY
M
Burlington

ANDERSON
A
Garnett

4

WOODSON
M
Yates Center

ALLEN
DM
IOLA

WILSON
DM
Fredonia

NEOSHO
Chanote
A
Eric

CRAWFORD
Girard
A
Pittsburg
D
A

Diagonal lines

LABETTE
D
A
PARSONS
Oswego

CHEROKEE
DM
Columbus

11th District totals

D = 4
A = 4
M = 2

Atch. 2

OSAGE

M
 ●
 Lyndon

FRANKLIN

●
 Ottawa

D
 A

4th District totals

D = 1
 A = 2
 M = 2

COFFEY

M
 ●
 Burlington

ANDERSON

● A
 Darnett

31st District totals

D = 2
 A = 1
 M = 2

WOODSON

M
 ●
 Yates Center

ALLEN

D
 M
 ●
 Clola

31

WILSON

D
 ●
 Fredonia

NEOSHO

● A
 Chanute

●
 Erie

CRAWFORD

A ●
 Girard

Pittsburg
 ●
 D
 A

LABETTE

●
 Parsons

D
 A

●
 Oswego

CHEROKEE

●
 Columbus

D
 M

11th District totals

D = 3
 A = 3
 M = 1

3-16-3

4

SENATE BILL 407
ESTIMATED PERSONNEL COSTS
SALARY DIFFERENTIALS FOR ADMINISTRATIVE STAFF

	<u>Administrative Judge</u>	<u>Chief CSO</u>	<u>Chief Clerk</u>
SALARY	\$533.00	\$1,476.00	\$1,536.00
FICA	-	99.00	103.00
RETIREMENT	55.00	71.00	74.00
WCI	2.00	6.00	6.00
UCI	<u>-</u>	<u>6.00</u>	<u>6.00</u>
<u>TOTAL</u>	\$590.00	\$1,658.00	\$1,725.00

TOTAL PERSONNEL COSTS - \$3,973.00

Atch. 4

FY '82

MAJOR CASE FILINGS

	<u>4th Judicial District</u>	<u>11th Judicial District</u>
<u>Criminal</u>		
Felonies	382	589
Misdemeanors	390	695
Appeals	<u>62</u>	<u>15</u>
Total Criminal	834	1,299
<u>Civil</u>		
Regular Civil	713	934
Domestic Rel.	671	1,083
Limited Actions	<u>419</u>	<u>887</u>
Total Civil	1,803	2,904
Major Caseload	2,637	4,203
# of Law Judges	4	8
# of DMJ's	4	2
Major Case Per Law Judge	659	525

#6

BASED ON SENATE BILL 407

	<u>Proposed 4th</u>	<u>Proposed 11th</u>	<u>Proposed 31st</u>
<u>Criminal</u>			
Felonies	298	455	218
Misdemeanors	<u>311</u>	<u>526</u>	<u>248</u>
Total Criminal	609	981	466
<u>Civil</u>			
Regular Civil	468	553	626
Domestic Rel.	485	766	503
Limited Actions	<u>315</u>	<u>632</u>	<u>359</u>
Total Civil	1,268	1,951	1,488
Major Caseload	1,877	2,932	1,954
# of Law Judges	3	6	3
# of DMJ's	2	1	2
Major Case Per Law Judge	626	489	651

Atch. 6

1

BASED ON LABETTE COUNTY INCLUDED IN 31st DISTRICT

	<u>Proposed 4th</u>	<u>Proposed 11th</u>	<u>Proposed 31st</u>
<u>Criminal</u>			
Felonies	298	325	348
Misdemeanors	<u>311</u>	<u>370</u>	<u>404</u>
Total Criminal	609	695	752
<u>Civil</u>			
Regular Civil	468	379	800
Domestic Rel.	485	544	725
Limited Actions	<u>315</u>	<u>364</u>	<u>627</u>
Total Civil	1,268	1,287	2,152
Major Caseload	1,877	1,982	2,904
# of Law Judges	3	4	5
# of DMJ's	2	1	2
Major Case Per Law Judge	626	496	580

Attch. 7

EXISTING
4th Judicial District
AND
11th Judicial District

2
#

3-16-83
Judge Sec
#1

DISTRICT COURT

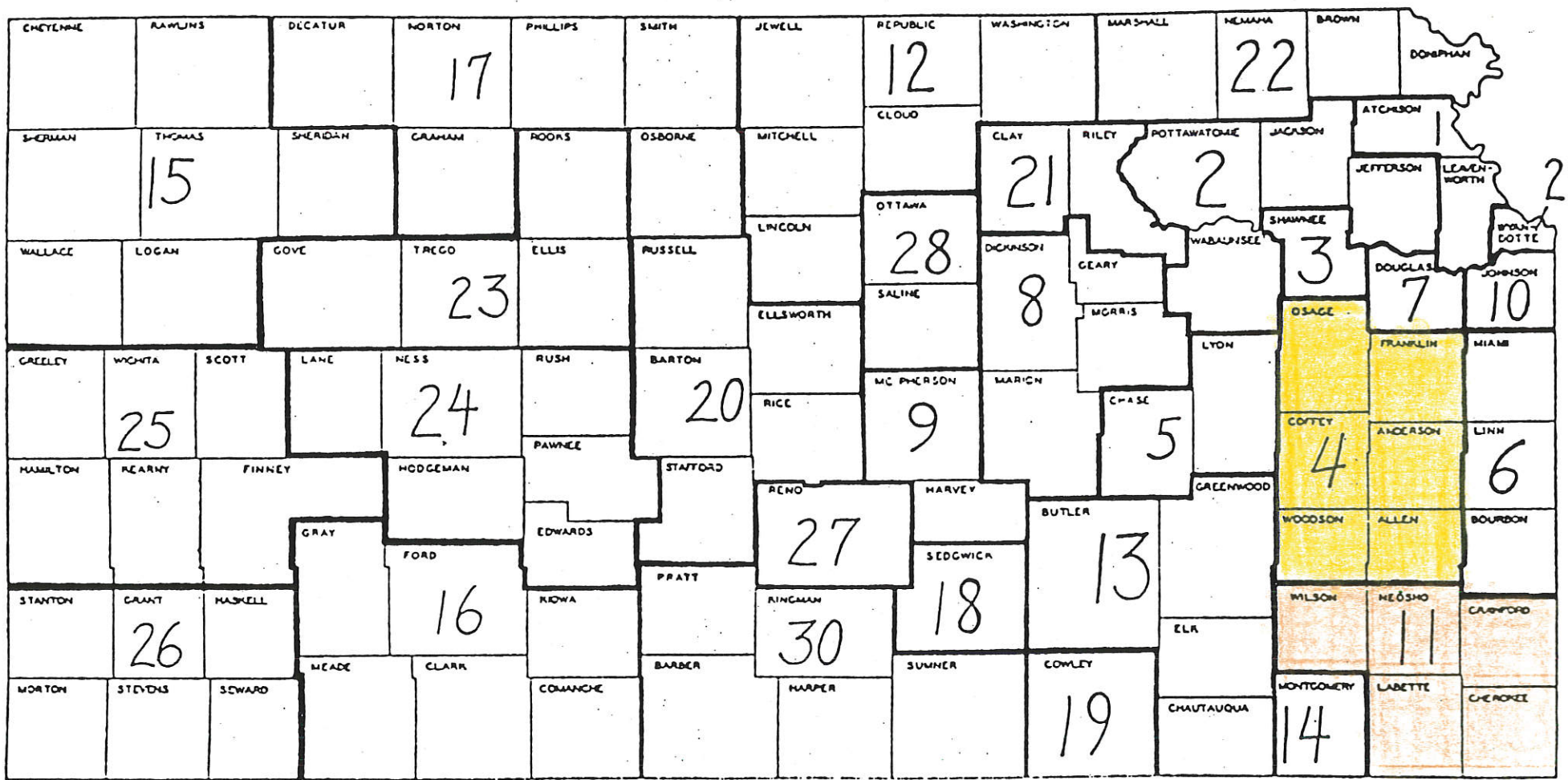
SUMMARY OF CASELOAD ACTIVITY BY COUNTY OR JUDICIAL DISTRICT AS INDICATED FOR

TOTAL CASES FILED YEAR ENDING JUNE 30, 1982

COUNTY	CIVIL	CRIMINAL	TRAFFIC	FORMAL/ INFORMAL JUVENILE	DEC. ESTATES	GDN./ CONSV.	OTHER PROBATE	SMALL CLAIMS	ADOPT.	MENT. ILL.	ALCH.	FISH & GAME
ALLEN } ANDERSON }												
COFFIN } FRANKLIN }	2,637		16,114	484	208	68	148	595	55	29	15	232
COOPER } WOODSON }												
Number of Judges 8												
Average Caseload 330												
CRANE } CHEROKEE }												
LABELLE } NEOSHO }	4,203		11,030	1,785	255	100	219	796	91	61	14	181
WILSON }												
Number of Judges 10												
Average Caseload 420												

Attch. 8

KANSAS JUDICIAL DISTRICTS



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#2

DISTRICT COURT

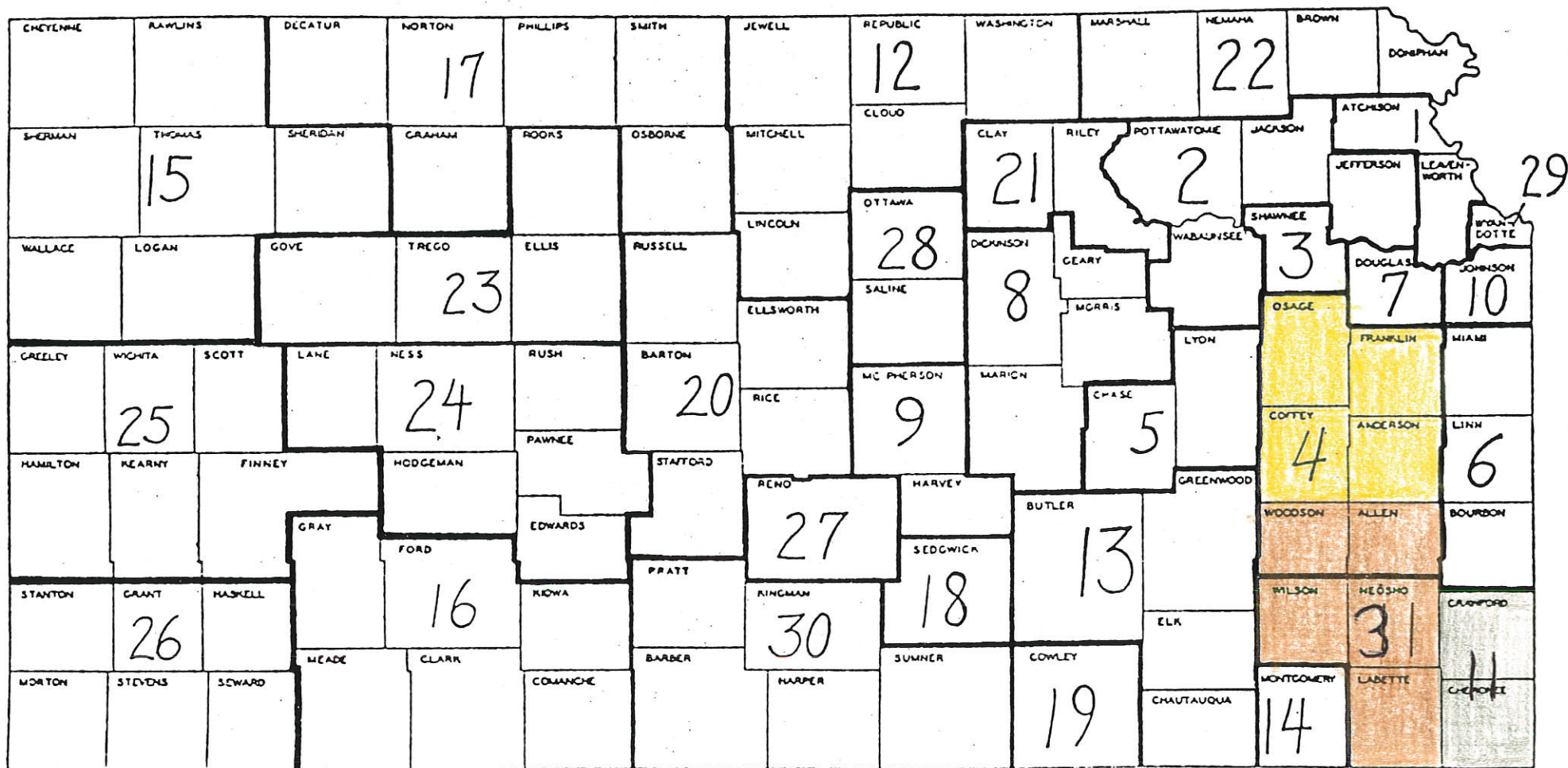
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TOTAL CASES FILED YEAR ENDING JUNE 30, 1982

COUNTY	CIVIL	CRIMINAL	TRAFFIC	FORMAL/ INFORMAL JUVENILE	DEC. ESTATES	GDN./ CONSV.	OTHER PROBATE	SMALL CLAIMS	ADOPT.	MENT. ILL.	ALCH.	FISH & GAME
ALLEN) WOODSON) WILSON) NEOSHO) LABETTE)		2952	8,815	536	184	76	133	587	60	31	6	87
Number of Judges		7										
Average Caseload		422										
CISAGE) FRANKLIN) COFFEY) ANDERSON)		1898	12,738	365	150	43	119	367	40	21	12	198
Number of Judges		5										
Average Caseload		380										
CRAWFORD) CHEROKEE)		1990	5,591	378	129	49	115	437	46	38	11	126
Number of Judges		5										
Average Caseload		398										

Atch. 9

KANSAS JUDICIAL DISTRICTS



01
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DISTRICT COURT

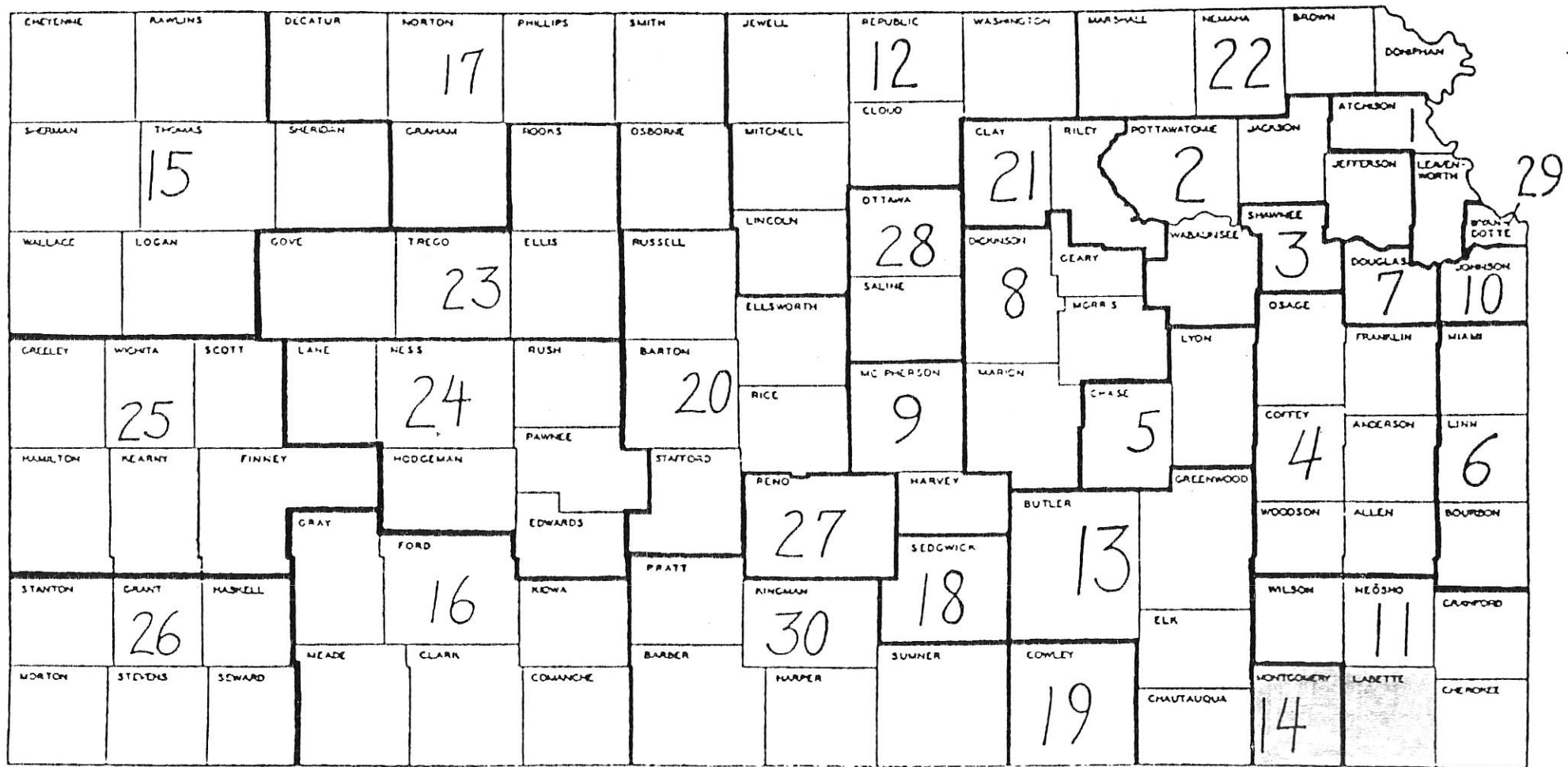
SUMMARY OF CASELOAD ACTIVITY BY COUNTY OR JUDICIAL DISTRICT AS INDICATED FOR

TOTAL CASES FILED YEAR ENDING JUNE 30, 1982

<u>COUNTY</u>	<u>CIVIL</u>	<u>CRIMINAL</u>	<u>TRAFFIC</u>	<u>FORMAL/ INFORMAL JUVENILE</u>	<u>DEC. ESTATES</u>	<u>GDN./ CONSV.</u>	<u>OTHER PROBATE</u>	<u>SMALL CLAIMS</u>	<u>ADOPT.</u>	<u>MENT. ILL.</u>	<u>ALCH.</u>	<u>FISH & GAME</u>
MONTGOMERY CHATAUGUA		2234	3795	415	84	17	73	380	38	20	9	97

Number of Judges 4
 Avg. CASELOAD 559

KANSAS JUDICIAL DISTRICTS



#3

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DISTRICT COURT

SUMMARY OF CASELOAD ACTIVITY BY COUNTY OR JUDICIAL DISTRICT AS INDICATED FOR

TOTAL CASES FILED YEAR ENDING JUNE 30, 1982

COUNTY	CIVIL	CRIMINAL	TRAFFIC	FORMAL/ INFORMAL JUVENILE	DEC. ESTATES	GDN./ CONSV.	OTHER PROBATE	SMALL CLAIMS	ADOPT.	MENT. ILL.	ALCH.	FISH & GAME
Montgomery) Chattanooga) Ladwell)		3184	4,745	572	120	53	122	508	56	37	9	111
Number Judges		6										
Avg. Caseload		531										
Allen) Woodson) Wilson) Neosho)		2002	6,865	379	148	44	84	459	42	14	4	75
Number Judges		5										
Avg. Caseload		400										
Osage) Franklin) Effie) Anderson)		1898	12,738	365	150	43	119	367	40	21	12	198
Number Judges		5										
Avg. Caseload		380										
Randolph) Cherokee)		1990	5,591	378	129	49	115	437	46	38	11	126
Number Judges		5										
Avg. Caseload		398										

Atch. 11

KANSAS JUDICIAL DISTRICTS

