

Approved April 11, 1986
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Robert Frey at
Chairperson

10:00 a.m. ~~xxx~~ on March 28, 1986 in room 514-S of the Capitol.

~~All~~ members ~~were~~ present ~~except~~: Senators Frey, Hoferer, Feleciano, Gaines, Langworthy, Parrish, Steineger, Talkington, Winter and Yost.

Committee staff present: Mary Hack, Revisor of Statutes
Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee:

Marjorie Van Buren, Office of Judicial Administrator
Nancy Spillman, Office of Secretary of State
Judge William R. Carpenter, Shawnee County District Court
Judge Herbert W. Walton, Johnson County District Court
Judge Robert Morrison, Sedgwick County District Court

Senate Bill 739 - Creating judgeships in certain judicial districts.

Marjorie Van Buren, Office of Judicial Administrator, testified the Administrative Judges of the 3rd, 10th, and 18th judicial districts have requested inclusion in FY 1987 budget of five additional district magistrate judgeships and one district judgeship to supplement judicial staff in these urban courts. This bill would provide two magistrate judgeships each for Shawnee and Sedgwick counties, and one district magistrate and one district judgeship for Johnson County. Copies of her testimony and other material are attached (See Attachments I). Committee discussion with her followed.

Nancy Spillman, Office of Secretary of State, testified the office is not concerned with the substance of the bill, but if the bill is passed, they recommend the effective date be publication in the Kansas Register.

Judge William R. Carpenter, Shawnee County District Court, testified there are one or two judges in Shawnee County who are opposed to magistrates. He said he had talked with most of the judges personally, and the majority of the judges feel it would be good to have a law trained magistrate in the court, and it would be nice for the young man who would be interested in the judiciary as a career. He stated there are quite a few things handled by judges of the district that magistrates could handle. They have the expedited child support docket, and this is equivalent to six judge days a week. The magistrates could also be used in DUI docket and small claims court docket also. If they had magistrates, this would free up judges for criminal and other matters. He pointed out increase in caseload of state agency appeals, expedited child support, medical malpractice, screening panels, and SRS benefits that are reviewable. In the small claims jurisdiction they spend \$7500 a year on small claims pro tem and that could be saved if they had a magistrate. He stated they are considering a criminal department in Shawnee County. A law trained magistrate is a lot more cost efficient. During committee discussion, a committee member felt if more judges are needed, an interim study should be requested. Judge Carpenter said he had no objection to an interim study.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on March 28, 1986

Senate Bill 739 continued

Judge Herbert W. Walton, Johnson County District Court, testified they are in a crisis situation regarding Chapt. 60 actions. He said during the past five years their judges have been extremely busy. They have terminated more cases than have been filed. In his judgment, they have now exceeded the threshold of capacity to take additional caseload without diminished effectiveness. Judge Walton recommended that immediate and appropriate action be taken to stop the trend and that consideration be given to the immediate enhancement of the delivery of judicial service, both qualitative and quantitative. A copy of his testimony is attached (See Attachment II). A committee member inquired how far back are you on the criminal docket? Judge Walton replied, they have 150 prisoners in their county jail waiting trial.

Judge Robert Morrison, Sedgwick County District Court, testified he is the presiding judge in the juvenile department. They are making extensive use of magistrates in their department to help keep up with the caseload. They transferred one judge from the civil department, but the civil department is overloaded so they took him back. In case you don't give us any more lawyer judges, we need something else for hearing offenses. He is concerned in his county. He is concerned because they are a partisan elective district and the other two districts are not. Judge Morrison stated he likes the idea of an interim study.

The hearings were concluded on Senate Bill 739.

House Bill 2661 - Medical malpractice and health care provider regulation.
Re Proposal No. 47.

Senator Talkington requested his statement in explanation of the conceptual amendment made yesterday is included in the minutes (See Attachment III). The pin hole does not apply except for those judgments where the cap comes into play. In other words if the overall judgment is \$750,000, then that is it. If the judgment initially shows medical in excess of 1 million dollars, then the pin hole amendment procedure can come into effect but not until the Board of Governor's of the fund have set an annuity and it is shown that that annuity will not be sufficient to pay the medical bills and related medical benefits.

I also want to make sure that the overall cap of 3 million dollars still applies to this. In other words, even though the pin hole goes beyond the million cap, it would not go beyond the overall 3 million dollar cap.

Senator Gaines confirmed his second to the motion and stated that was the intent. Considerable committee discussion was held. Since it was time to adjourn, the chairman announced the committee will act on the bill Monday.

Chairman announced the next meeting today will be at 12:30 P.M. in room 519-S.

The meeting adjourned.

Copy of guest list is attached (See Attachment IV).

GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE

DATE: 3-28-86

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Nancy Spillman	Topeka	SOS
Theresa J. Hutchison	Topeka	KJ Medical Society
Herbert W. Walter	Wichita	District Judge
Marta Ashu Luenburger	Topeka	KMS
J.A. Robertson	Topeka	SPS
Donald J. Shell	"	Insurance Dept
Tom Bell	Topeka	KHA
Ron Smith	Topeka	KBA
William R. Carpenter	"	Dist Court
Marjorie Van Buren	Topeka	OJA
Robert L. Harrison	Wichita	Dist Ct
Ted Fay	Topeka	K.I.D
Ed [unclear]	Topeka	KCCI
Sandy Basse	Wheaton	PTLN
Pat Goodson	Shawnee	PTLN
Jim W. Baid	Topeka	Observer
Kathleen Selesky	"	KTCA
Pete Mc Sinc	Topeka	Ks. Med. Society

March 28, 1986

SENATE JUDICIARY COMMITTEE

Testimony on

Senate Bill 739

by

Marjorie J. Van Buren

Executive Assistant to the Judicial Administrator

As indicated in the attached letters, the Administrative Judges of the 3rd, 10th, and 18th Judicial Districts have requested inclusion in FY 1987 budget of five additional district magistrate judgeships and one district judgeship to supplement judicial staff in these urban courts. SB 739 would provide these judgeships: two magistrate judgeships each for Shawnee and Sedgwick counties, and one district magistrate and one district judgeship for Johnson County.

Nearly ten years has gone by since either Johnson or Sedgwick counties have received any additional judicial positions. In the intervening years, caseloads, although subject to some year-to-year fluctuation, have increased steadily. The additional judgeship Shawnee County received several years ago has merely moderated the severity of its present need.

In all three of these urban districts, magistrate judges from outside the districts are now regularly assigned to these courts on either a weekly or semimonthly basis to assist with the caseload problem in the districts. Some of these magistrate judges may not be available in the future owing to increased child support enforcement activity in the DMJ's home districts. In addition, pro-tem judges are used by the districts with regularity to hear small claims cases and occasionally other lesser jurisdiction cases. All of these judicial supplements are reflective of a continuing problem these districts face in dealing with their growing caseloads, especially in efforts to handle cases before the court in an expeditious manner.

S. Jud.
3/28/86
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JOHNSON COUNTY

Since FY 1978, the first year following court unification, Chapter 60 case filings in Johnson County have increased 58%. This is an especially significant statistic since Chapter 60 cases require so much judge time. The Chapter 60 case filings increase have not been to the exclusion of Chapter 61 case filings since these filings have doubled in the same time period. The number of jury trials in Chapter 60 cases has more than doubled in this time period. It is the increase in civil litigation together with concurrent increase in other kinds of case filings that merits the additional district judgeship for this district.

The magistrate judgeship position would be assigned a number of duties. The position would participate in the heavy volume of litigation this district has with (1) aids in executions, (2) traffic cases, (3) preliminary hearings in criminal cases, (4) detention hearings in juvenile cases, and (5) special representation proceedings.

SEDGWICK COUNTY

Two magistrate judges are requested for this district. In order to effectively handle an increasing civil caseload, one of the juvenile judges was transferred to the civil department. But juvenile caseload in this district has continued at a high level. It is proposed to assign one magistrate judge to handle cases in the juvenile department as well as handling limited action cases.

Nearly 20% of the civil litigation filed in the State of Kansas is filed in this district. The second requested magistrate position would be assigned in the Domestic Relations Department to assist in handling domestic cases, thus precluding necessity to transfer or split a district judge's time between this department and the criminal department. The increase in caseloads since 1977 and the lack of any additional judgeships in this time period has effectively robbed this district of any flexibility to meet and adjust to changing circumstances.

SHAWNEE COUNTY

This district experienced an 18.2% increase in major case filings in FY 1985 over the same period a year earlier. Although trial court filings statewide this past year have increased over totals of the last few years, this increase was one of the larger ones in the state. Shawnee County district court has during the past two years required a considerable amount of additional judicial help from other districts to meet normal caseload growth as well as to deal with several extraordinary situations.

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Because of existing limitations, the district hires pro-tem judges to handle small claims dockets. An additional magistrate judge would eliminate this current necessity. Magistrate judges would also be assigned to preliminary hearings, Chapter 61 cases, D.U.I. cases, and a variety of other assignments as needed to free up time and availability of district judges for more complex litigation.

Attch. I

District Court of Kansas
Third Judicial District

Shawnee County, Kansas

Chambers of
William Randolph Carpenter
Administrative Judge of the District Court
Division No. One
Shawnee County Courthouse
Topeka, Kansas 66603

Officers:
Carol A. Meggison, C.S.R.
Official Reporter
295-4351
Mary Dean Byard
Administrative Assistant
913-295-4365

July 9, 1985

Mr. Howard Schwartz
Judicial Administrator
Kansas Supreme Court
Kansas Judicial Center
301 West 10th Street
Topeka, Kansas 66612

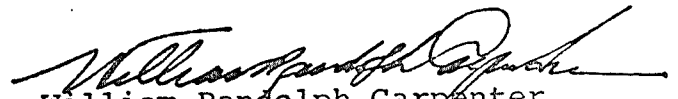
Dear Mr. Schwartz:

This letter is to confirm my application for the addition of two (2) law-trained magistrate judge positions for the Shawnee County District Court. I understand that if the Supreme Court approves my request, the judicial budget will include the funds for such positions.

The addition of two magistrate judges to this judicial district will accomplish many worthwhile things. We believe that we will be able to save substantial amounts of money now being spent for pro tem judges. It would no longer be necessary to have a pro tem for small claims, and we feel that there would be no reason to have pro tems otherwise except when all judges are away during judicial conferences in the spring and fall. In addition, such magistrate judges would be a very substantial help in expediting the child support docket, preliminary hearings, limited actions trials, DUI cases, and might possibly be assigned in certain juvenile and probate cases.

With kindest personal regards, I remain

Sincerely yours,


William Randolph Carpenter
Administrative Judge

WRC/mbd

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LL
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JUL 11 1985

Office of
Judicial Administrator

Attch. I



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JUL 24 1985
Office of
Judicial Administration

STATE OF KANSAS
TENTH JUDICIAL DISTRICT

HERBERT W. WALTON
DISTRICT JUDGE, DIVISION NO. 1
JOHNSON COUNTY COURTHOUSE
OLATHE, KANSAS 66061

July 24, 1985

DIXIE KURTZ
ADMINISTRATIVE ASSISTANT

VICKI KUNKEL, C.S.R.
OFFICIAL COURT REPORTER

(913) 782-5000 EXT. 460

Dr. Howard Schwartz
Kansas Judicial Administrator
Kansas Judicial Center
301 W. 10th Street
Topeka, KS 66612

In re: Request for Additional Judges for the
Tenth Judicial District (Johnson County, Kansas).

Dear Dr. Schwartz:

I respectfully submit the following information for consideration by you and the Kansas Supreme Court in support of three additional judges of the District Court. In particular, I am requesting on behalf of my colleagues one additional District Judge and two District Magistrate Judges. I hope the information set forth herein will give you the necessary reasons for this request. If there are any questions concerning the information, please advise me and I will submit further clarifying information.

To start with, it should be mentioned that Johnson County has not had additional judicial officers since unification in 1976. In fact, in 1976 I requested on behalf of the judges of this district an additional division while serving as Acting Administrative Judge in the wake of a heart attack by our then Administrative Judge, the Honorable Harold R. Riggs. At that time, our request was denied and I was directed to correlate the total effect of the creation of three additional Associate District Judge positions on our district and the effect of consolidation of all courts before making further application. Judge Riggs later returned as Administrative Judge and, it is my understanding, that he and his successors have made subsequent requests. Since the application I made in 1976, many things have happened in Johnson County, Kansas, that greatly affects our judicial district.

One substantial factor is the continued growth rate. During the period of 1970 to 1980, the population of Johnson County increased by 22.8%. Other key geographic areas had a much lower increase: (1) The State of Kansas had a growth rate of 5.1% during the period; (2) Wyandotte County, Kansas had

Attach. I

a net decrease of 7.8%; (3) Missouri had a 5.1% increase; (4) the Midwest had a 4.0% increase; and (5) the United States had a 11.4% increase. Thus, Johnson County had a double of the national rate of population growth and more than four times the growth of the State of Kansas. Our population continues to grow with a present population of 288,780. The population by 1990 is projected to be approximately 300,000 people and by the year 2000, is projected to be 360,000 people. One significant aspect of the increase is the trend towards a population of older citizens as the age median has increased. For example, senior citizens over age seventy-five rose from 3,022 women and 1,670 men in 1970 to 5,653 women in 1983 and 3,038 men. The educational attainment of our population is very high. Thirty-three point three percent (33.3%) of our population over age twenty-five have a four year college education. We also have a high per capita income and our unemployment is lower than other geographic areas. The median cost of housing is, therefore, higher than in other areas. All of the demographics reflect a maturing county with an increased pressure on our judicial caseload.

We are now receiving a substantial number of motions for summary judgement. The motions usually contain comprehensive and extensive briefs from both parties along with lengthy statements of uncontroverted fact. The complexity of the motions mirror the fact that we are experiencing a substantial increase in complex litigation along with multiple parties in many cases. The result creates more work load and requires extensive and careful consideration. In my judgement, this trend will continue to become more acute with an increase in population. This is exemplified by the fact that we have had several jury trials of three weeks or more in duration.

Case filings support the request. In 1977 we had 6,632 civil actions, 738 small claims, 1,588 criminal proceedings, and 9,689 traffic offenses. The number increased in 1984 to 10,614 civil proceedings, 1,014 small claims, 2,357 criminal cases, and 8,921 traffic offenses. This represents a substantial increase in caseload since unification.

The most startling statistic is the increase in the number of practicing attorneys. In 1977 we had 364 registered attorneys. The number increased in 1984 to 703. Many other lawyers practice in our county with registrations in Wyandotte County, Kansas. It has been estimated that there are approximately 900 lawyers practicing law in Johnson County.

Statistics from our special court department reflect an increase in case filings. In 1980 we has 1,041 juvenile cases and the number has increased in 1984 to 1,238 cases. We had 195 mental illness proceedings in 1983, and the

number increased to 278 in 1984. The probate cases show a slight decline. In 1980 we had 815 probate proceedings and in 1984 it declined to 769. Marriage licenses, on the other hand, have increased. In 1980 we had 2,356 applications and by 1984 the number increased to 2,588. Furthermore, I am advised by Judge Bill Haynes, our juvenile section judge, that these proceedings are now more difficult and protracted. The change is found in our substantive laws that have been amended. It is my understanding that the change has greatly increased the time required to hear the cases. In summary, the statistics reflect a significant increase in caseload.

As you know, a significant number of District Magistrate Judges have been assigned into our district. They are relied upon to assist in high volume type of cases. On Thursday morning, the District Magistrate presides over aids in execution, calls the traffic docket, presides over traffic trials and some misdemeanor proceedings. On Friday morning, the magistrate presides over preliminary hearings and on Friday afternoon presides over mental health actions. In addition, we have an attorney spending one day a week on small claims.

One key aspect in the future involves the new child support enforcement laws. The new law requires an expedited process whereby we are required to terminate cases involving child support enforcement in a very rapid manner. In order to accomplish this goal, it will require a more careful and considered administration of these cases. This will create additional burdens on our judicial proceedings. The use of a District Magistrate could be of significant assistance.

If the request is granted, I plan to use the new judicial officers in the following manner. To start with, we would not require the assignment of District Magistrate Judges into Johnson County from all over the State of Kansas. It is thought that the savings would be significant. The new District Magistrates would be utilized to preside over the heavy volume type of litigation, such as: (1) aids in executions; (2) traffic actions; (3) more preliminary hearings and criminal proceedings; (4) assist the judge of the Juvenile Court by hearing detention hearings for at least one day a week; (5) by giving some relief to the probate section by hearing mental health proceedings; (6) presiding over some aspects of the expedited process in child support enforcement; and (7) presiding over the trials of small claims. This should greatly assist the management and flow of cases in this jurisdiction.

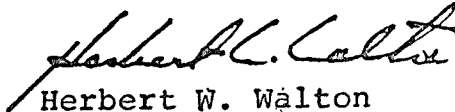
The new District Judge would be utilized in a different manner. I would create a complex litigation section in the Civil Court Department. This person would preside over protracted litigation and assist with settlement conferences

in an increased manner. This will assist in the early resolution of litigation with a reduction in discovery. The additional District Judge would further serve as an assignment judge to the various departments when needed to coordinate and balance periodic litigation explosions.

I really appreciate the opportunity to submit this application. I realize the State of Kansas is going through a significant and difficult financial period. Yet, we have not had additional help in Johnson County for several years. In fact, we now have less personnel than we had in 1977. We are at the threshold capacity of maintaining an efficient and effective caseflow. Our need is exemplified by the fact that we have a large number of attorneys and a significant population growth. All of the new improvements and growth matters create additional pressures on litigation. I respectfully request that our application be given serious consideration and that we be permitted to increase our judicial officers. If other clarifying information is needed, do not hesitate to contact me. The staff in the Office of Court Administration has assisted with this application and will do everything possible to be of assistance.

With best personal regards, I remain,

Respectfully yours,


Herbert W. Walton

HWW/mb

cc: Chief Justice Alfred G. Schroeder
Justice David Prager
Judges of the District Court
Mr. Lewis R. Lewis
Mrs. Lova Duncan

ADMINISTRATIVE OFFICES OF THE DISTRICT COURT
EIGHTEENTH JUDICIAL DISTRICT
ROOM 1136 11TH FLOOR
525 N. MAIN
WICHITA, KANSAS 67203



James J. Noone
Administrative
Judge

(316) 268-7302

August 30, 1985

Dr. Howard Schwartz
Judicial Administrator
Kansas Judicial Center
Topeka, Ks. 66612

RECEIVED

SEP 13 1985

Office of
Judicial Administration

Dear Dr. Schwartz:

Sometime ago I advised you that we were going to request the addition of two District Magistrate Judge positions for the 18th Judicial District. The purpose of this letter is to advise you in more detail why this request is being made.

For more than two years we have been operating our Juvenile Department by borrowing magistrates from other districts. Presently we have a visiting magistrate every Wednesday and a visiting magistrate every other Thursday and Friday. On several occasions we have also utilized a retired judge on Mondays and Tuesdays. The magistrates we use fluctuate depending upon the caseload in their own districts and I am sure that this has sometimes caused problems to the Administrative Judges in those districts. At one time we had a third judge assigned to the Juvenile Department, but were required to transfer that judge to the Civil Department because the Civil Department was falling too far behind.

Civil case filings under Chapter 60 continue to increase every year, although perhaps not dramatically so, but the accumulative effect is substantial. We had 403 more Chapter 60 filings in 1984 than we did in 1980, a relatively small increase. However we had 380 more Chapter 60 filings in the first half of 1985 than we did in the first half of 1984. There is no realistic possibility

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that we could transfer a judge back from the Civil Department to the Juvenile Department without seriously hamstringing the Civil Department. The gap between the time civil cases are ready for trial and the date that we can give them a trial setting is consistently widening. One magistrate judge could serve the dual purpose of replacing the borrowed magistrates in the Juvenile Department, and taking some of the load off the Civil Department by hearing Chapter 61 cases.

The implementation of Senate Bill 51 (and Supreme Court Rule 172) will require an unknown but obviously substantial number of additional hearings in domestic cases to establish, enforce and modify support orders. It will also create a very substantial number of additional hearings involving employers with regard to income withholding orders. This legislation mandates rigid time limits within which these hearings must take place. In recognition of this the Legislature amended K.S.A. 20-302[b] to authorize magistrates to conduct these hearings.

Since we do not have any magistrates in this district the amendment to 20-302[b] will provide us with no assistance. Before the implementation of Senate Bill 51 and Supreme Court Rule 172 the two judges assigned to the Domestic Department are already almost inundated with similar hearings (a fact that is never disclosed by a caseload count).

The following figures are illustrative:

During the months of July and August, 1985 a total of 1,463 motions, including contempt citations, were filed in our Domestic Department. Of this total, 631 were motions to amend or modify child support payments and 336 were citations for contempt, which with few exceptions were to enforce child support payments. It is obvious that in order to comply with the requirements of Senate Bill 51 and Supreme Court Rule 172 we will have no choice but to transfer at least one and perhaps more judges from hearing civil or criminal cases to assist the Domestic Department. This can only have an adverse effect upon the state of the docket in the Civil or Criminal Departments.

Since the Legislature has authorized magistrates to conduct the additional hearings required by Senate Bill 51, the addition of the second magistrate requested would permit us to assign that person to the Domestic Department. Only time will tell how many additional hearings will result from the implementation of Senate Bill 51, but it is quite apparent that it will be substantial, and it is equally apparent that

Dr. Howard Schwartz

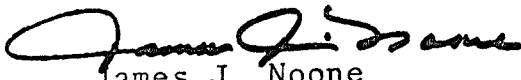
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August 30, 1985

we will be required to delay other court matters in order to comply.

We are therefore requesting two District Magistrate positions for the 18th Judicial District, and are confident that we can attract law trained individuals for these positions.

Respectfully,



James J. Noone
Administrative Judge

JJN/er

Attch. I

3-28-86
Judge Patton

We had a total of 1,281 juvenile cases filed with 127 being children in need of care proceedings and 1,154 being juvenile offender proceedings. We had a total of 352 decedents estates commenced during the year with a disposition of 412 cases. We further had a total of 168 guardianship and conservator proceedings with the termination of 125 cases. We further had an additional total of 500 cases in the Probate Section consisting of trusts, determinations of descent, adoptions, mental illness treatment proceedings, alcoholism treatment proceedings, drug treatment proceedings and miscellaneous matters. We further had 1,014 Small Claims actions and 58 fish and game violation cases.

During the past five years our judges have been extremely busy. They have terminated more cases than have been filed. This has been in spite of the fact that they have large caseloads and have maximized their delivery of judicial service. In my judgment, we have now exceeded the threshold of capacity to take additional caseload without diminished effectiveness. As set forth in the following section, I recommend that immediate and appropriate action be taken to stop the trend and that consideration be given to the immediate enhancement of the delivery of judicial service, both qualitative and quantitative.

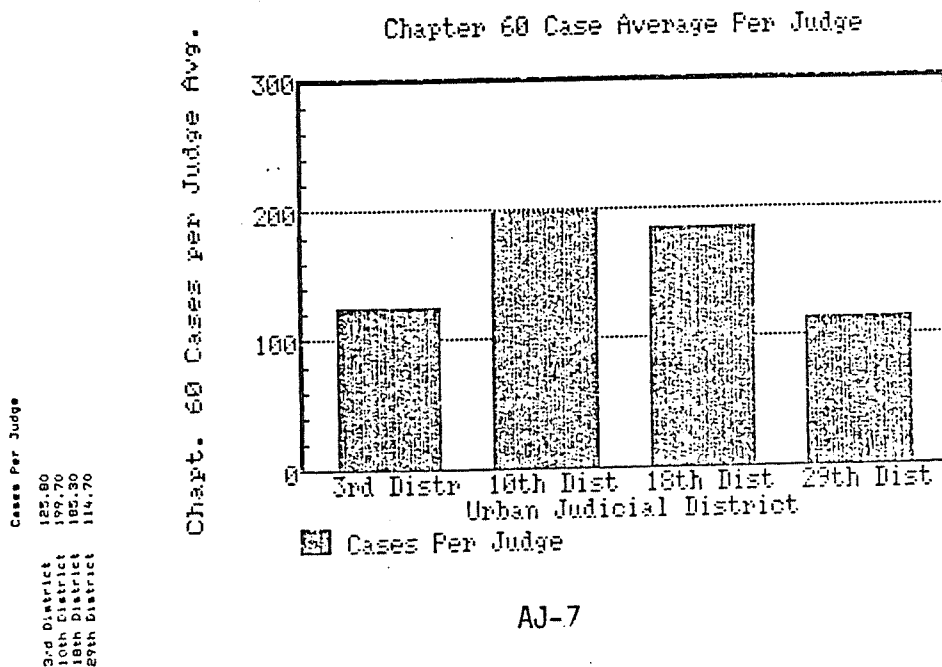
IV. NEED FOR ADDITIONAL JUDICIAL OFFICERS AND NON-JUDICIAL PERSONNEL.

Our judicial officers are at the threshold of capacity to take additional caseload without diminished effectiveness. I now have a request from the Criminal Court Department for one additional judicial officer and a request from our Juvenile

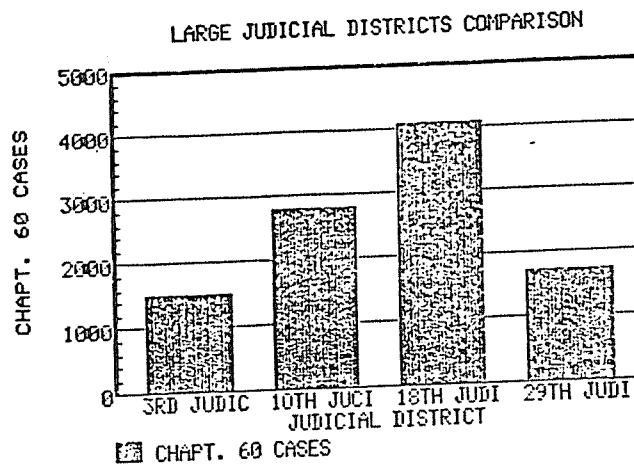
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Attch. II

Section for one judicial officer. As you know, criminal and juvenile proceedings take precedence over the judicial docket. If the request of the Criminal Court Department and the Juvenile Section is granted, we will have to take the judicial officers from the Civil Court Department. If that is done, it will place additional burdens on the delivery of judicial service in civil proceedings. As mentioned in my first State of the Judiciary Message, we have an extremely large number of complex and difficult cases. We are further receiving more motions for summary judgment. These motions usually contain comprehensive and extensive briefs from both parties along with lengthy statements of uncontroverted fact. The complexity of the motions mirror the fact that we are now experiencing a substantial increase in complex litigation along with multiple parties. This requires extensive and careful consideration by the court.

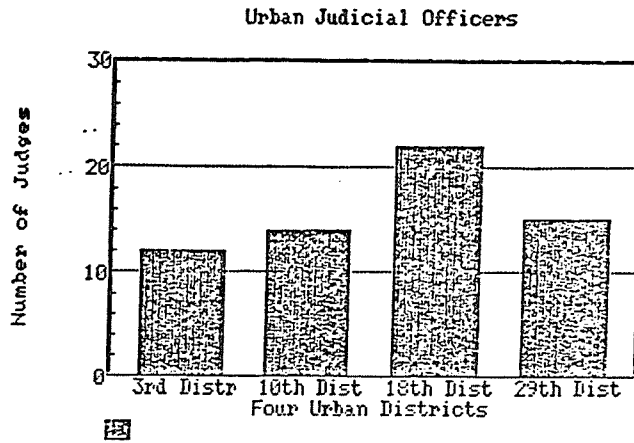
A comparison of our judicial district with the other large urban districts in Kansas substantiates my concern. The following graph illustrates that we have the largest Chapter 60 caseload per judge in the State of Kansas.



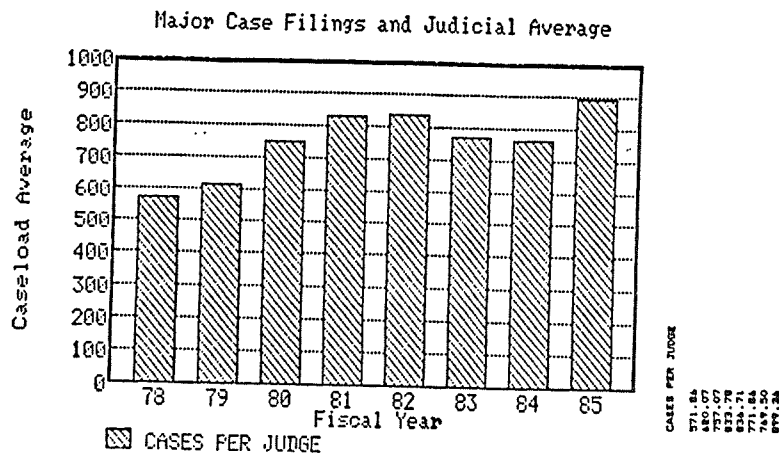
As you know, there are three types of civil actions: (1) Small Claim Proceedings or claims under \$500.00 and under which attorneys are not permitted; (2) Limited Actions or claims of the value of less than \$5,000.00; and (3) Chapter 60 Actions that are the complex and difficult cases with long protracted requirements. The next chart reflects the actual number of Chapter 60 actions that are being experienced in each of the large judicial districts. The third district is Shawnee County, (Topeka); the Tenth Judicial District is Johnson County, Kansas; the Eighteenth Judicial District is Sedgwick County, (Wichita); and the Twenty-Ninth Judicial District is Wyandotte County, (Kansas City, Kansas).



The next chart reflects the number of judicial officers in the respective districts. You will note that the Tenth Judicial District (Johnson County) has less judges in the four judicial districts except Shawnee County.



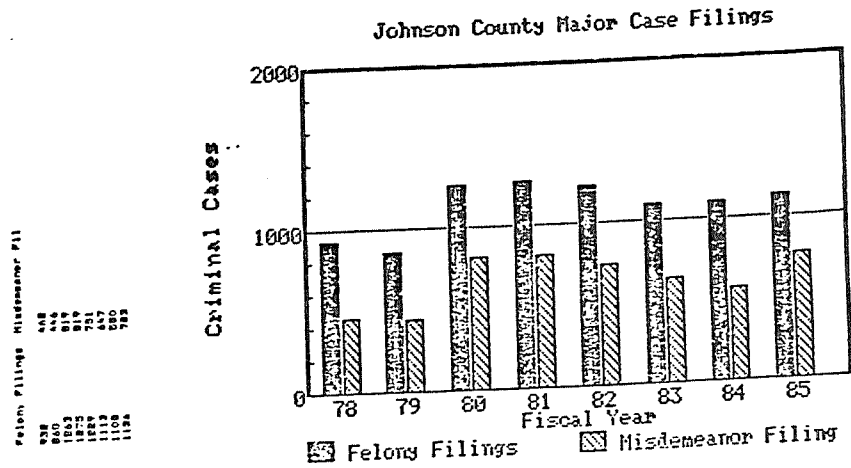
The major case filings from 1978 to 1985, during which period we have not had additional personnel, reflect that our caseload has gone from 571 per judge to 899 per judge.



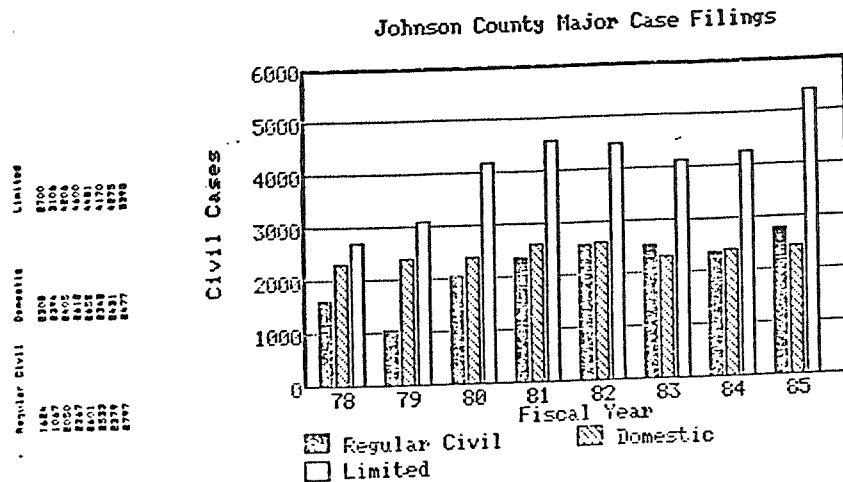
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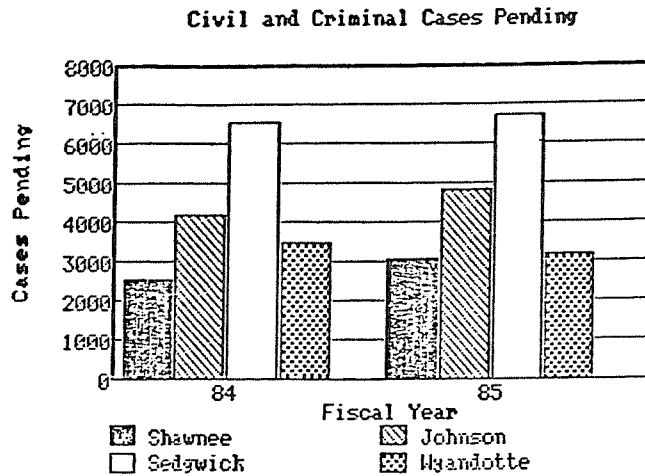
The Criminal Department filings reflect the following case filings from '78 to '85. Please note the substantial increase in felony and misdemeanor filings.



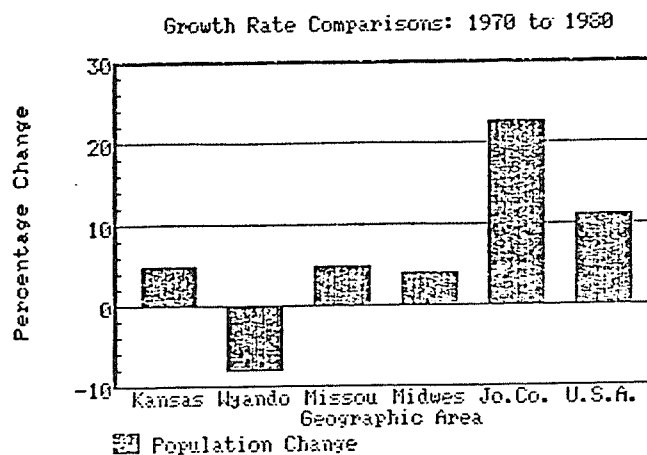
The Civil proceedings likewise demonstrate a dramatic increase. The chart reflects almost double the number of regular civil actions and triple the number of limited civil actions. Domestic proceedings during the period have risen slightly which mirrors the national trend.



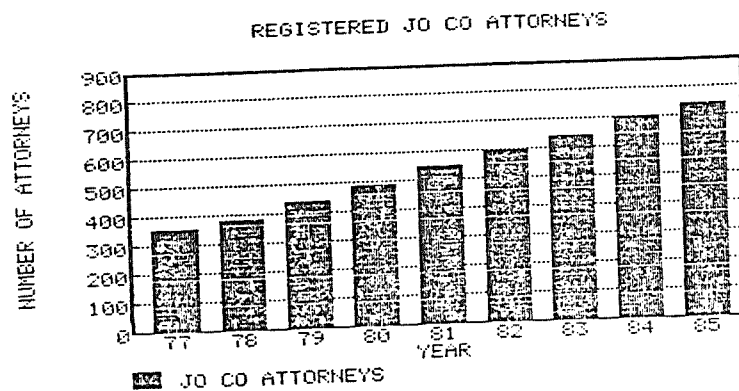
A major concern is the increase in pending cases during the past one year. You will note that we have increased the number of pending cases from slightly over 4,000 to almost 5,000 cases.



This substantiates my concern that we need additional judicial officers. Furthermore the growth rate in Johnson County is something that must be mentioned. The following graph compares our growth rate with other geographic areas. It reflects that we have double the average growth rate that has been experienced in the United States.



Furthermore, we have had a substantial increase in the number of registered attorneys. The following graph reflects that in 1977 we had approximately 350 attorneys and that number has now increased to well over 700. It is estimated that we have approximately 900 lawyers filing actions in Johnson County, Kansas.



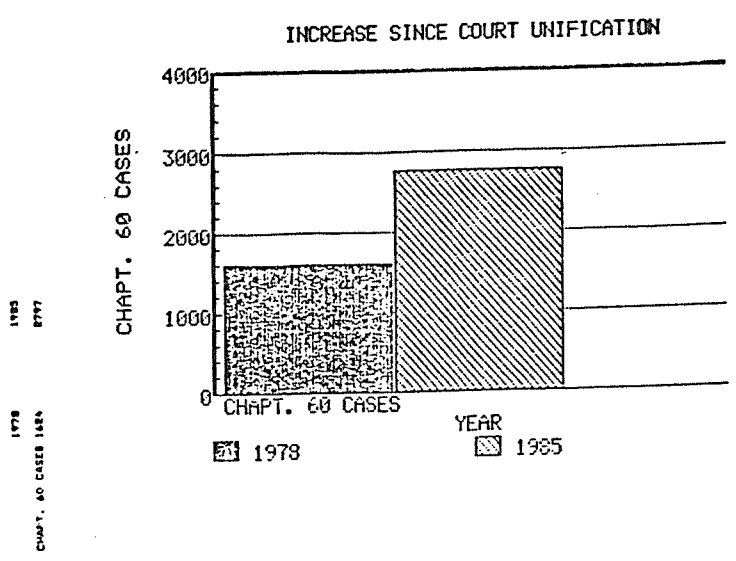
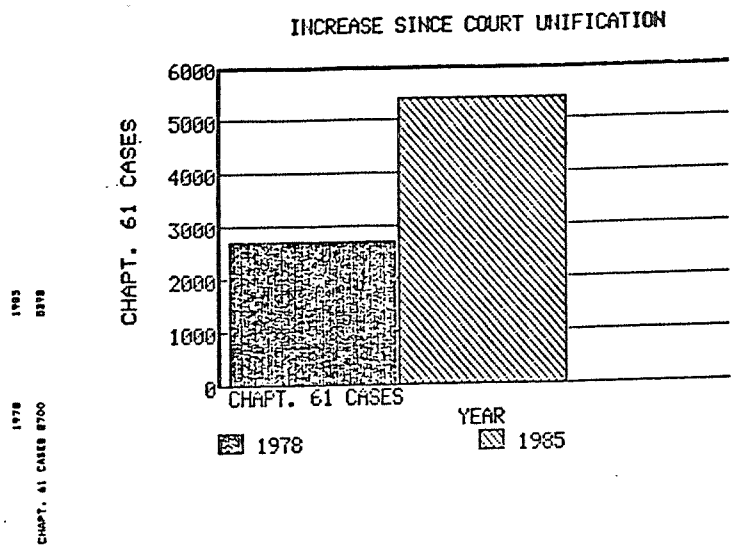
The increased litigation requires immediate action by the State of Kansas. In response to the need, I requested that the Kansas Supreme Court provide us with three (3) additional judicial officers. The Supreme Court sustained my request in part and granted an increase of one full-time District Judge and one full-time District Magistrate Judge. They have further approved my request for additional non-judicial personnel. They gave us two court service officers for the Adult Probation

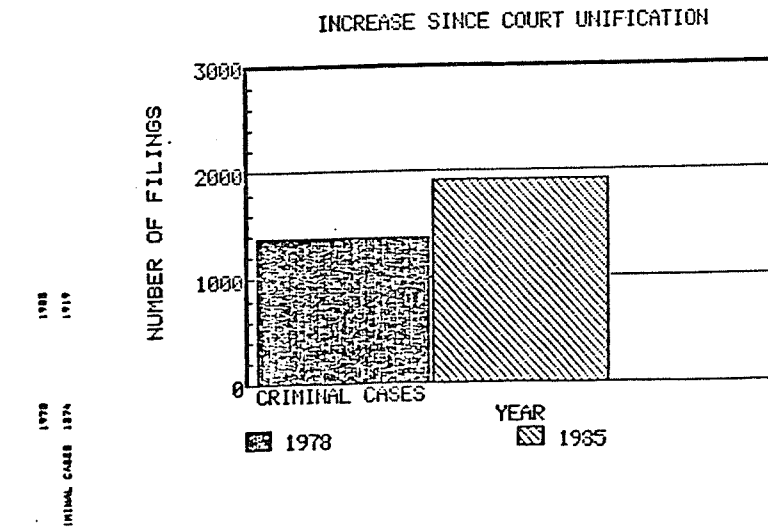
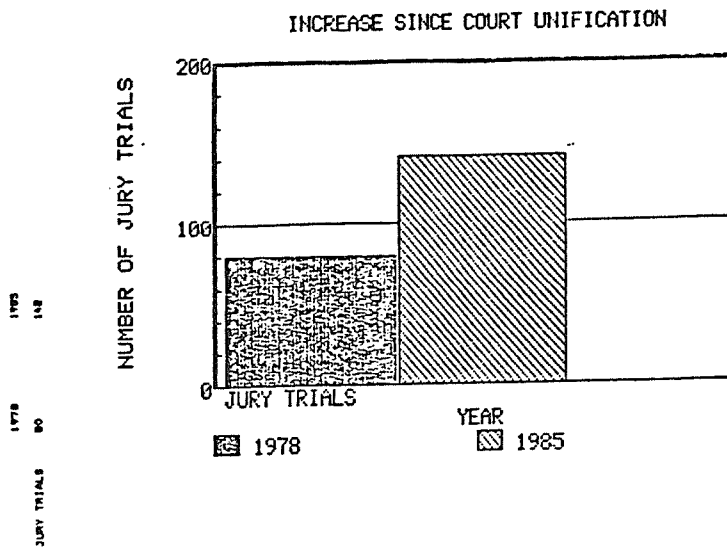
Department and two for our Domestic Section. Our caseload in Adult Probation is extremely difficult. Our Court Services Officers have an average caseload of approximately 225 persons on probation. As I understand it, good probation service would be a caseload of approximately 40 to 50 clients. Thus, the action of the Supreme Court, while helpful, still does not solve our substantial need.

The matter does not end there. The budget of the Supreme Court is now under scrutiny by the Kansas Legislature. As you know, the State of Kansas is in a dire financial condition. Reports indicate that we now have a short-fall of One Hundred Thirty Million Dollars (\$130,000,000.00) for a two-year budget period. Thus, unless concerted statements are made by representatives of Johnson County, the budget of the Supreme Court, giving us increased judicial and non-judicial personnel, will be difficult. I urge each of you to assist in seeing that we get increased personnel.

In summary, the statistics reflect significant increases in case filings from the date of unification to the present time. In 1978 we had 8,006 major case filings and as of 1985 this has increased to 12,591 or a 57% overall increase. We have had the increase from civil case filings from 6,632 in 1978 to 10,672 in 1985 or an increase of 61% overall. During the same period, criminal case filings have gone from 1,374 to 1,919 or a 40% increase. The number of jury trials during the period increased from 80 to 142 or an increase of 78%. Chapter 60 filings alone have increased from 1,624 to 2,797 or an increase of 72%.

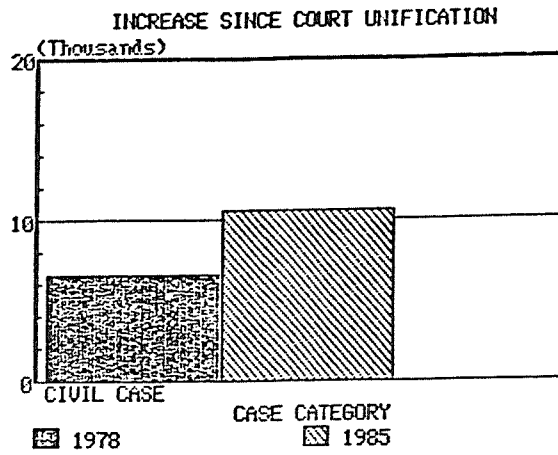
The following graphs further reflect the increase in caseload in certain categories since 1977 to date. As indicated, we have less personnel now than we had in 1977 when court unification commenced.





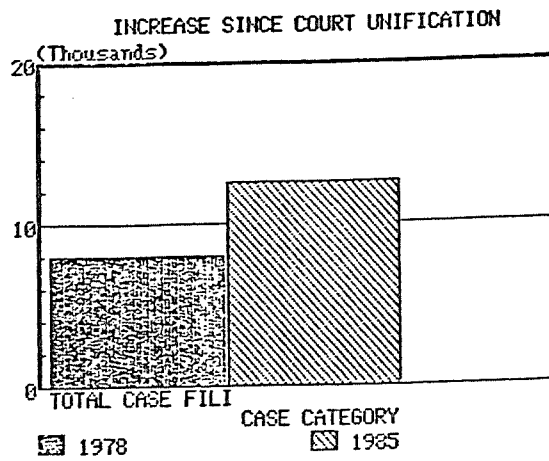
1985 10578
1978 4432
CIVIL CASE

NUMBER OF FILINGS



1985 18591
1978 8008
TOTAL CASE FILI

MAJOR CASE FILINGS



Chapter 61 filings have increased from 2,700 to 5,398 or an increase of 99.9%. We have approximately 1,000 more Chapter 60 cases filed in Johnson County than for Wyandotte County. Our combined Chapter 60 filings equal 87% of the combined Chapter 60 filings for Wyandotte and Shawnee Counties together. The percentage of Chapter 60 filings in civil caseloads for the large four districts is 17% for Shawnee County; 22% for the Eighteenth District, (Wichita); 13% for the Twenty-Ninth District (Wyandotte County); and 26% for the Tenth Judicial District (Johnson County, Kansas). Clearly, these statistics reflect a need for additional judicial officers in Johnson County.

V. JUDICIAL ADMINISTRATIVE PARTICIPATION.

One policy of your Administrative Judge has been continued concerning the involvement of several judges in the administrative responsibility of our court. It is my pleasure to detail the involvement of your judge in this activity. The underlying purpose of the involvement is to share administrative responsibilities so it will generate more of a cooperative understanding of judicial problems and their ultimate resolution.

The Honorable Janette Howard has assisted with the responsibility of employment and accountability of our law clerks. She has done an excellent job in the monitor of their research assignments and the work product they have produced.

The Honorable G. Joseph Pierron has assumed the responsibility of being our rules judge. He is presently working on revisions to our civil court rules. In addition, the judges of the Criminal Court Department are working on draft review of

KANSAS SENATE

3-28-86

ROBERT V. TALKINGTON

SENATE PRESIDENT

P.O. BOX 725
IOLA, KANSAS 66749-0725



CHAIRMAN:
LEGISLATIVE COORDINATING COUNCIL

CHAIRMAN:
ORGANIZATION, CALENDAR AND RULES

MEMBER:
INTERSTATE COOPERATION
JUDICIARY
WAYS AND MEANS

OFFICE OF THE PRESIDENT

STATE CAPITOL
TOPEKA, KANSAS 66612-1565
913-296-2419

March 28, 1986

JUDICIARY COMMITTEE - HOUSE BILL 2661

I want to mention or make certain that in the conceptual amendment that we should have a statement in our minutes that the pin hole does not apply except for those judgments where the cap comes into play. In other words if the overall judgment is \$750,000, then that is it. If the judgment initially shows medical in excess of 1 million dollars, then the pin hole amendment procedure can come into effect but not until the Board of Governor's of the Fund have set an annuity and it is shown that that annuity will not be sufficient to pay the medical bills and related medical benefits.

I also want to make sure that the overall cap of 3 million dollars still applies to this. In other words, even though the pin hole goes beyond the million cap, it would not go beyond the overall 3 million dollar cap.

S. Jud.
3/28/86
Attch. III