

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

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

10:00 a.m./~~p.m.~~ on January 20, 1987 in room 514-S of the Capitol.

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

Committee staff present:

Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Gordon Self, Office of Revisor of Statutes

Conferees appearing before the committee:

John Peterson, Kansas District Court Judges Association
Ron Smith, Kansas Bar Association
Judge William R. Carpenter, Third Judicial District
Kay Falley, Court Administrator
Judge Elliott Fry, Eighteenth Judicial District
Judge Herbert W. Walton, Tenth Judicial District
Maxine B. Allen, Tenth Judicial District, Advisory Committee
Marjorie Van Buren, Office of Judicial Administrator
Gerry Ray, Johnson County Board of County Commissioners

Senate Bill 7 - An act concerning district court judges; relating to qualifications thereof; amending K.S.A. 1986 Supp. 20-334 and repealing the existing section.

The chairman suggested the committee refer to the interim committee report for background information on the bill.

John Peterson testified on behalf of the District Court Judges Association the bill raises the experience level to become a district court judge from five to ten years. This bill is one of several other bills that will be considered in the Ways and Means Committee that will enhance the judicial in general. They think the bill will limit the pool of available attorneys to serve as judges. If an increase in judicial compensation is included, this will attract very qualified applicants in Kansas.

Ron Smith, Kansas Bar Association, testified he has the same concerns as Mr. Peterson. The membership in the Kansas Bar Association has a large pool from which many judges come. The more years an attorney has built up in private practice, the more problem it is to leave the practice, so consideration should be given to the salary consequences. A committee member inquired, since attorneys specialize in given fields, won't it make it more difficult to find qualified attorneys? Mr. Smith replied, a person coming in from private practice goes through a continuing education process to get prepared for being a judge, so that won't be a real big factor. Another committee member inquired how many judges who have been appointed would not qualify if we went to ten years? Judge William Carpenter stated there were a number of fine young judges that would not qualify. They would have lost some good talent if it had been ten years experience to qualify. The chairman explained the original intention at the time of court unification was to encourage judges that would be older than the judges that would be affected by this particular bill. They were trying to catch judges at age 45 or 50 and keep them until retirement. In response to a question, Judge Carpenter replied he

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

room 514-S, Statehouse, at 10:00 a.m./~~xxx~~ on January 20, 1987.

Senate Bill 7 continued

felt the problem is compensation levels aren't enough to keep young active bright people who have a lot of years ahead of them on the bench. If they leave the bench after ten years, they can keep their retirement benefits and go to higher pay. If the qualifications were increased, this should increase incentives to serve on the bench and stay on the bench. Judge Walton added, we need incentives to retain judges on the bench. When a certain point of tenure is reached, the 6% that is paid into retirement should be reduced down to two percent. In Johnson County they have had two young judges leave the bench for another position. Judge Fry stated he had had three young judges leave early.

Senate Bill 9 - An act concerning the district court; providing for the creation of certain district judge positions; amending K.S.A. 1986 Supp. 4-204, 4-211 and 4-219 and repealing the existing sections.

Kay Falley was introduced by Judge William Carpenter. She is the Shawnee County District Court Administrator, and she appeared in support of the bill. A copy of her handout, Case Statistics by Calendar Year January 1 through 31, is attached (See Attachment I). She reported the 12-member district court has seen its caseload increase by 18.1 percent in the past year. There are two reasons that time judges spend on the bench has changed. They are Senate Bill 51, the expedited child support issue, and changes in the probate area. Within Shawnee County there are 3500 active cases, and they average 107 new cases per month and attempts have been made to manage the cases better.

Judge Elliott Fry, Eighteenth Judicial District, testified he was appointed administrative judge a year ago, and he did not feel then they needed another magistrate or other additional help. He said they have problems now in Sedgwick County that are almost reaching crisis stage. To add to their workload, they have more mental hearings, and the judge is transported to mental hospitals to hear these cases. The civil department has the biggest increase in cases. He said they have a jail that is now unconstitutional, and they expect a large increase in D.U.I. arrests which is of immedaite concern that they have to address. Two new judges would help.

Judge Herbert Walton, Tenth Judicial District, testified they have had no additional help since 1977. The caseload in their juvenile department has increased. If they can get two new judges, he will appoint one judge in the criminal court department and the other judge in the special court department. He reported they now have 5,000 plus civil cases. A copy of the 1986 State of the Judiciary Report of the Tenth Judicial District is attached (See Attachment II).

Maxine B. Allen, Citizens Advisory Committee to the Tenth Judicial District, stated she has seen the growth and increase in the county from 34 lawyers to over 700 members in the bar association and nearly 1200 lawyers practicing in Johnson County. A copy of her testimony is attached (See Attachment III).

Marjorie Van Buren, Office of the Judicial Administrator, distributed copies of Narrative Information from their budget docket (See Attachment IV). She pointed out their budget report has the same provisions that is provided in the bill.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:00 a.m./~~xxx~~ on January 20, 1987.

Senate Bill 9 continued

Gerry Ray, Intergovernmental Coordinator for Johnson County, stated they are in support of the testimony of the other people from Johnson County. She said the bill will make it possible to continue to be efficient and expeditious

The meeting adjourned.

A copy of the guest list is attached (See Attachment V).

GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE

DATE: 1-20-87

| NAME (PLEASE PRINT) | ADDRESS | COMPANY/ORGANIZATION |
|---------------------|--|--|
| Maipie B. Allen | 9606 West 95th St. O.P. KANSAS 66212 | Advisory Committee for Tench Judicial District |
| William S. Allen | 9606 West 95th O.P. KS 66212 | Husband of Maipie B. Allen |
| Bruce McDiarty | 112 W 6th, Topeka | Kansas Trial Lawyers |
| John Peterson | | KS Dist + Subj. Hrs |
| Ron Smith | KBA | Topeka |
| John L. Myers | 1206 W. 10th Topeka | Dist. Judges |
| Belva Ott | Dun + Bradstreet Inc. | |
| Boj Lewis | Clatto | Dist Court |
| Kay Talley | Topeka | Et Administration |
| Kevin M. Hill | Topeka | OJA |
| Jerry Sloan | " | " |
| Marjorie VanBuren | Topeka | Judicial Administ Office |
| E. Elliot Fry | Wichita | Dist Judge |
| Hubert W. Galtok | Olathe | Subst Judge |
| Gerry Ray | Olathe | Jo Co. BOCC |
| Theresa Smith | Topeka | KANSAS NARAC |
| Karen Helm | Mission Hills | Gen. Langworthy |
| Janet Stubbs | Topeka | ABAK |
| | | |
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Attach. I
Senate Judiciary
1-20-87

CLERK OF THE DISTRICT COURTCASE STATISTICS BY CALENDAR YEAR JANUARY 1 THROUGH DECEMBER 31Civil Cases - Chapter 60

| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
|-------------|-------------|-------------|-------------|-------------|
| 1,425 | 1,586 | 1,538 | 1,638 | 1,578 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 1,499 | 1,617 | 1,860 | 1,911 | |

Civil Cases - Chapter 61

| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
|-------------|-------------|-------------|-------------|-------------|
| 4,370 | 5,469 | 5,369 | 5,286 | 5,323 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 4,419 | 4,739 | 6,499 | 5,928 | |

Civil Cases - Divorces

| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
|-------------|-------------|-------------|-------------|-------------|
| 1,717 | 1,789 | 1,733 | 1,604 | 1,594 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 1,410 | 1,569 | 1,541 | 1,426 | |

Unassigned Civil

| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
|-------------|-------------|-------------|-------------|-------------|
| 481 | 449 | 572 | 541 | 440 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 449 | 553 | 632 | 509 | |

Attch. I
Senate Judiciary
1-20-87

Reciprocal

1986

80

Screening Panels

| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
|-------------|-------------|-------------|-------------|-------------|
| -- | 6 | 3 | 3 | 5 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 2 | 3 | 10 | 16 | |

Inquisitions

| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
|-------------|-------------|-------------|-------------|-------------|
| -- | 6 | 2 | 2 | 3 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 7 | 4 | 3 | 3 | |

Municipal Appeals

| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
|-------------|-------------|-------------|-------------|-------------|
| 79 | 112 | 154 | 90 | 52 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 50 | 32 | 71 | 77 | |

Criminal

| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
|---------------------|-------------|-------------|-------------|-------------|
| 1,893 | 2,010 | 2,352 | 2,436 | 2,610 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 2,067 | 1,955 | 2,496 | 2,674 | |
| <u>Felonies</u> | (999) | (1,110) | (960) | |
| <u>Misdemeanors</u> | (949) | (1,386) | (1,714) | |

Small Claims

| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
|-------------|-------------|-------------|-------------|-------------|
| 650 | 891 | 945 | 975 | 955 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 862 | 872 | 896 | 941 | |

Traffic

| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
|--------------------------------|-------------|-------------|-------------|-------------|
| 17,136 | 16,900 | 16,515 | 15,648 | 17,553 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 15,368 | 11,913 | 9,585 | 10,398 | |
| <u>Driving Under Influence</u> | (362) | (305) | (331) | |

Fish and Game

| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> |
|-------------|-------------|-------------|-------------|
| 142 | 89 | 114 | 167 |

Wills and Administration

| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
|-------------|-------------|-------------|-------------|-------------|
| 294 | 325 | 355 | 326 | 322 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 302 | 335 | 347 | 328 | |

Guardian/Conservatorship

| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
|-------------|-------------|-------------|-------------|-------------|
| 185 | 123 | 185 | 217 | 200 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 222 | 233 | 258 | 317 | |

Trusts

| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
|-------------|-------------|-------------|-------------|-------------|
| 14 | 7 | 24 | 27 | 19 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 73 | 58 | 61 | 71 | |

Descents

| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
|-------------|-------------|-------------|-------------|-------------|
| 74 | 95 | 68 | 89 | 63 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 73 | 58 | 61 | 71 | |

Affidavits and Wills

| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
|-------------|-------------|-------------|-------------|-------------|
| 15 | 28 | 27 | 51 | 73 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 68 | 111 | 101 | 72 | |

Relinquishments

| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
|-------------|-------------|-------------|-------------|-------------|
| 0 | 0 | 0 | 10 | 4 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 7 | 1 | 1 | 0 | |

Adoptions

| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
|-------------|-------------|-------------|-------------|-------------|
| 149 | 137 | 141 | 148 | 134 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 134 | 141 | 137 | 135 | |

Care and Treatment

| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
|-------------|-------------|-------------|-------------|-------------|
| 190 | 192 | 223 | 208 | 243 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 235 | 267 | 307 | 321 | |

Miscellaneous Probate

| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
|-------------|-------------|-------------|-------------|-------------|
| 157 | 94 | 58 | 45 | 45 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 17 | 29 | 26 | 26 | |

TOTAL CASE FILINGS - BREAKDOWN BY OFFICE

Limited Actions Division

| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
|-------------|-------------|-------------|-------------|-------------|
| 22,156 | 23,260 | 22,829 | 21,909 | 23,831 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 20,791 | 17,613 | 17,094 | 17,434 | |

Juvenile/Probate

| <u>Juvenile</u> | <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
|-----------------|-------------|-------------|-------------|-----------------|-------------|
| | 1,402 | 1,527 | 1,197 | 1,032 | 1,166 |
| | <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| | 992 | 909 | 1,100 | 1,382 | |
| | | | | <u>JV</u> (985) | |
| | | | | <u>JC</u> (397) | |
| <u>Probate</u> | <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
| | 1,078 | 1,001 | 1,081 | 1,121 | 1,104 |
| | <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| | 1,069 | 1,193 | 1,246 | 1,277 | |

Clerk of the District Court

| | | | | |
|-------------|-------------|-------------|-------------|-------------|
| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
| 3,702 | 3,948 | 4,002 | 3,878 | 3,672 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 3,417 | 3,778 | 4,117 | 4,022 | |

Criminal

| | | | | |
|-------------|-------------|-------------|-------------|-------------|
| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
| 1,893 | 2,010 | 2,352 | 2,436 | 2,610 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 2,067 | 1,955 | 2,496 | 2,674 | |

TOTAL ACTUAL CASE FILINGS IN CLERK'S OFFICE

| | | | | |
|-------------|-------------|-------------|-------------|-------------|
| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
| 30,231 | 31,746 | 31,461 | 30,376 | 32,383 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 28,336 | 25,448 | 26,053 | 26,789 | |

MISCELLANEOUS NOT INCLUDED IN CASE FILING STATISTICS

Ministers Registrations

| | | | | |
|-------------|-------------|-------------|-------------|-------------|
| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
| 54 | 71 | 60 | 45 | 77 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 69 | 57 | 61 | 56 | |

Birth Registrations

| | | | | |
|-------------|-------------|-------------|-------------|-------------|
| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
| 42 | 52 | 38 | 40 | 32 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 34 | 60 | 27 | 9 | |

Marriage Licenses

| | | | | |
|-------------|-------------|-------------|-------------|-------------|
| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
| 1,769 | 1,806 | 1,730 | 1,762 | 1,798 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 1,758 | 1,960 | 1,593 | 1,625 | |

Marriage Applications

| | | | | |
|-------------|-------------|-------------|-------------|-------------|
| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
| 1,895 | 1,908 | 1,849 | 1,861 | 1,915 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 1,857 | 2,010 | 1,713 | 1,762 | |

Mechanic Liens

| | | | | |
|-------------|-------------|-------------|-------------|-------------|
| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
| 237 | 175 | 128 | 263 | 154 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 108 | 227 | 218 | 196 | |

Statutory Bonds

| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
|-------------|-------------|-------------|-------------|-------------|
| 175 | 185 | 197 | 179 | 169 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 191 | 194 | 204 | 217 | |

Appeals to Supreme Court

| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> | <u>1982</u> |
|-------------|-------------|-------------|-------------|-------------|
| 104 | 66 | 65 | 89 | 97 |
| <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | |
| 89 | 102 | 110 | 119 | |

Garnishments - Chapter 60

| <u>1982</u> | <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> |
|-------------|-------------|-------------|-------------|-------------|
| 1,781 | 1,541 | 2,076 | 2,007 | 1,567 |

Garnishments - Chapter 61

| <u>1982</u> | <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> |
|-------------|-------------|-------------|-------------|-------------|
| 7,390 | 6,845 | 6,706 | 7,260 | 8,567 |

Aids in Executions - Chapter 61

| <u>1982</u> | <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> |
|-------------|-------------|-------------|-------------|-------------|
| 4,886 | 4,476 | 4,668 | 4,887 | 6,671 |

Citations - Chapter 61

| <u>1982</u> | <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> |
|-------------|-------------|-------------|-------------|-------------|
| 2,036 | 2,466 | 2,228 | 2,217 | 2,630 |

Civil Bench Warrants - Chapter 60
(Chapter 60 & 61 combined until 1985)

| <u>1982</u> | <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> |
|-------------|-------------|-------------|-------------|-------------|
| 1,084 | 1,189 | 1,122 | 352 | 276 |

Civil Bench Warrants - Chapter 61
(Chapter 60 & 61 combined until 1985, see listing for Chapter 60)

| <u>1985</u> | <u>1986</u> |
|-------------|-------------|
| 928 | 892 |

Criminal Warrants

| <u>1982</u> | <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> |
|-------------|-------------|-------------|-------------|-------------|
| 3,343 | 2,936 | 2,392 | 2,839 | 2,824 |

Traffic Warrants

| <u>1982</u> | <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> |
|-------------|-------------|-------------|-------------|-------------|
| 2,918 | 3,277 | 2,847 | 1,834 | 1,154 |

Juvenile Warrants

| <u>1982</u> | <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> |
|-------------|-------------|-------------|-------------|-------------|
| 104 | 66 | 83 | 96 | 96 |

Autopsy Reports

| <u>1985</u> | <u>1986</u> |
|-------------|-------------|
| 319 | 351 |

Stats are not available on: State Tax Warrants which includes sales tax, motor carrier tax, exise, income, withholding tax, etc.

Personal Property tax warrants and executions on same.

CLERK OF THE DISTRICT COURT

ACCOUNTING STATISTICS BY CALENDAR YEAR JANUARY 1 THROUGH DECEMBER 31

Fines Collected

| | | | |
|--------------|--------------|--------------|--------------|
| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> |
| \$355,542.28 | \$358,136.48 | \$389,902.57 | \$400,684.06 |

| | | | |
|--------------|--------------|--------------|--------------|
| <u>1982</u> | <u>1983</u> | <u>1984</u> | <u>1985</u> |
| \$468,886.16 | \$420,234.00 | \$367,520.97 | \$390,586.56 |

1986

\$379,179.41

Costs Collected

| | | | |
|--------------|--------------|--------------|--------------|
| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> |
| \$374,837.82 | \$485,731.95 | \$468,875.28 | \$432,812.44 |

| | | | |
|--------------|--------------|--------------|--------------|
| <u>1982</u> | <u>1983</u> | <u>1984</u> | <u>1985</u> |
| \$571,368.93 | \$655,169.26 | \$669,746.18 | \$735,909.54 |

1986

\$762,057.50

Restitution Collected

| | | | |
|--------------|--------------|--------------|--------------|
| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> |
| \$ 57,262.31 | \$ 90,624.80 | \$167,196.41 | \$182,230.23 |

| | | | |
|--------------|--------------|--------------|--------------|
| <u>1982</u> | <u>1983</u> | <u>1984</u> | <u>1985</u> |
| \$166,889.32 | \$191,375.16 | \$179,624.30 | \$258,372.68 |

1986

\$301,359.56

Interest Earned

| | | | |
|--------------|--------------|--------------|--------------|
| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> |
| \$ 26,606.99 | \$ 33,875.01 | \$ 33,960.41 | \$ 49,029.46 |
| <u>1982</u> | <u>1983</u> | <u>1984</u> | <u>1985</u> |
| \$ 44,996.82 | \$ 33,801.32 | \$ 58,137.97 | \$ 46,780.95 |
| <u>1986</u> | | | |
| \$ 37,903.90 | | | |

Prosecuting Attorney's Training Fund

| | | | |
|-------------|-------------|-------------|-------------|
| <u>1978</u> | <u>1979</u> | <u>1980</u> | <u>1981</u> |
| \$ 8,507.00 | \$ 8,207.25 | \$ 8,664.50 | \$ 8,083.00 |
| <u>1982</u> | <u>1983</u> | <u>1984</u> | <u>1985</u> |
| \$ 9,010.75 | \$ 8,040.00 | \$ 6,220.00 | \$ 5,740.50 |
| <u>1986</u> | | | |
| \$ 5,242.50 | | | |

Child Support - Collected and Paid Out

| |
|-----------------|
| <u>1986</u> |
| \$ 7,206,651.24 |

TENTH JUDICIAL DISTRICT

(Johnson County, Kansas)

STATE OF KANSAS



1986

STATE OF THE JUDICIARY REPORT

Attachment II

STATE OF KANSAS

Tenth Judicial District Court
Johnson County, Kansas
Olathe, Kansas 66061

JUDGES OF THE DISTRICT COURT

| | Court Number |
|--------------------------------|--------------|
| Hon. Herbert W. Walton..... | 1 |
| Hon. Sam K. Bruner..... | 2 |
| Hon. G. Joseph Pierron..... | 3 |
| Hon. William G. Gray..... | 4 |
| Hon. Phillop L. Woodworth..... | 5 |
| Hon. Marion W. Chipman..... | 6 |
| Hon. Janice D. Russell..... | 7 |
| Hon. Earle D. Jones..... | 8 |
| Hon. James W. Bouska..... | 9 |
| Hon. Larry McClain..... | 10 |
| Hon. Bill E. Haynes..... | 11 |
| Hon. Robert G. Jones..... | 12 |
| Hon. Janette Howard..... | 13 |
| Hon. Gerald L. Hougland..... | 14 |

OFFICERS OF THE JOHNSON COUNTY BAR ASSOCIATION

| | |
|-----------------------------|---------------------|
| Gerald L. Rushfelt..... | President |
| Ray L. Borth..... | President-Elect |
| T. Bradley Manson..... | Secretary |
| Jerome V. Bales..... | Treasurer |
| Douglas Lancaster..... | Past President |
| Hon. Herbert W. Walton..... | Board of Directors |
| Cheryl Cook Boushka..... | Board of Directors |
| Linda Coffee..... | Executive Director |
| Lewis R. Lewis..... | Executive Secretary |

ADMINISTRATIVE SERVICES

| | |
|---------------------|------------------------|
| Lewis R. Lewis..... | Court Administrator |
| Michael McLain..... | Dir. of Court Services |
| Lova Duncan..... | Chief Clerk |
| Donald Amrein..... | District Court Trustee |

STATE OF THE JUDICIARY MESSAGE FOR 1986

TENTH JUDICIAL DISTRICT

By: Herbert W. Walton
Administrative Judge

I. INTRODUCTION

President Rushfelt, distinguished guests, fellow lawyers and judges, ladies and gentlemen. It is an honor and pleasure to appear before you today to present the 1986 State of the Judiciary Message for the Tenth Judicial District (Johnson County, Kansas). I compliment our bar association for making this meeting available and to all of you for taking time away from your pressing schedules to be better informed as to the state of our local judiciary.

The report is made pursuant to Rule 104(h) of the Kansas Supreme Court wherein the rule provides that ". . . the Administrative Judge shall evaluate the effectiveness of the court in administering justice and recommend changes." The theme of the message is to bring to your attention the state of our local judiciary to effectively deliver judicial services to the people of this district. To start with a few remarks should be made about the written State of the Judiciary Message. Our Court Administrator, Mr. Lewis R. Lewis, at my direction, has prepared a comprehensive instrument giving general information on the state of our judiciary. It would take too much time to cover the

entirety of the report at this meeting. Instead, my report will be more or less a summary of the report and will include some additional subject matters which were not mentioned in the report of the Court Administrator.

This is my third state of the judiciary message. Each year additional subjects have been included. It is hoped that the report will eventually provide a complete analysis and forecast of the needs of the district.

II. INTRODUCTIONS OF DISTINGUISHED GUESTS.

At the outset it is my pleasure to introduce our distinguished guests.

A. Board of County Commissioners.

To start with it is my pleasure to introduce the Board of County Commissioners. As you know, they have general power over the purse strings of the county and have a significant role with the court. They approve our annual budget and generally provide for the financial and property needs of the county courthouse and county employees of the judicial branch.

I will ask the Commissioners in attendance to stand and be recognized as I call their name. I further ask that you extend them a warm hand of friendship.

| <u>Name</u> | <u>District</u> |
|-------------------------------|-----------------|
| Commissioner William Franklin | 1st District |
| Commissioner Johnna Lingle | 2nd District |
| Commissioner Kent Crippin | 3rd District |
| Commissioner Joan Bengtson | 4th District |
| Commissioner Bruce Craig | 5th District |

B. Members of our delegation to the Kansas Legislature.

All of our judicial officers and most of our non-judicial personnel are state employees. Therefore, the members of our delegation to the Kansas Legislature have an important role in our local judicial process. They provide for our salaries and employment benefits and further enact the laws that we interpret and apply. I will ask our legislative members to stand as I call their name and ask that you extend them a warm hand of friendship after all have been recognized.

Senator Audrey Langworthy
Senator Jack Walker
Senator Paul Burke
Senator August Bogina, Jr.
Representative Eugene P. Amos
Representative Phil Kline
Representative Arthur W. Douville
Representative Ron Fox
Representative Carol Sader
Representative Gary H. Blumenthal
Representative Rex B. Hoy
Representative David G. Miller
Representative Samuel (Burr) Sifers
Representative Vincent K. Snowbarger
Representative Nancy Brown
Representative Kerry Patrick
Representative Robert J. Vancrum
Representative Franklin Weimer

C. Citizens Advisory Committee.

I am pleased to introduce the members of the Citizens Advisory Committee to the Tenth Judicial District. The members are outstanding citizens in Johnson County who have agreed to devote their time serving on the Committee. Their agenda of study is completely open and they have discretion to study any aspect of the judicial process and report their findings to the

people. This year they made recommendations to the Kansas Legislature urging that additional judicial officers and non-judicial personnel be appointed for our district. The Committee will be requested to make further recommendations in the year 1987.

It is now my pleasure to introduce the Committee members and request that you give them a warm welcome.

Mr. Robert Bennett
Ms. Ellen Laner
Mr. Stanley Slater
Mr. Stan Rose
Mr. Sam Perkins
Ms. Janice N. Broyles
Ms. Suzanne Hardin
Dr. Robert Meneilly
Mrs. Maxine B. Allen
Mr. Lynn McCarthy
Mr. Tom Robinson
Mr. John Sullivan

D. Fair Trial-Free Press Committee.

The basic purpose of this committee is to foster understanding between the media and the courts to the end that the business of the courts is reported to the people and at the same time assuring litigants obtain a fair trial. The Honorable Robert G. Jones, Judge of the District Court, chairs this important committee. It is my pleasure now to introduce the members and I would ask that you give them a warm welcome.

Scott Whiteside
Judy Katz
Randy Atwood
Tom Leathers
Hon. Gerald Rushfelt
Jim Overbay
Ruth Bigus
Mike Fahrlander
Phillip Muelle

E. Other distinguished guests.

Several other distinguished guests are present. It is my pleasure to ask the following persons to stand and be recognized.

Judges of the District Court
Members of the Office of Judicial Administration

III. CASE MANAGEMENT.

The statistics for case management reflect a positive work product by the judges of this district. While the fiscal report of the Office of Judicial Administration is unavailable, a preliminary report reflects the following case filings of civil and criminal actions in this district.

| <u>FY '82</u> | <u>FY '83</u> | <u>FY '84</u> | <u>FY '85</u> | <u>FY '86</u> |
|---------------|---------------|---------------|---------------|---------------|
| 11,714 | 10,806 | 10,773 | 12,591 | 13,764 |

The statistics reflect an increase of 9.3% in civil and criminal cases in one year. The same report reflects that the judges of the Tenth Judicial District terminated the following civil and criminal cases during the same five-year period.

| <u>FY '82</u> | <u>FY '83</u> | <u>FY '84</u> | <u>FY '85</u> | <u>FY '86</u> |
|---------------|---------------|---------------|---------------|---------------|
| 11,924 | 11,474 | 10,991 | 12,201 | 13,045 |

The statistics reflect that during the five year period, 59,648 civil and criminal cases were commenced and 59,635 were terminated. During FY '86, 11,759 new civil actions were commenced or an increase of 10.2% in one year. During the same year 2,005 criminal cases were commenced showing an increase of 4.5% over the prior year. It is significant that 719 more civil

cases were commenced during the year than were terminated. This figure increases the pending case volume significantly. This is illustrated from a comparison of the pending civil and criminal cases during the past five years. They are:

| <u>FY'82</u> | <u>FY'82</u> | <u>FY'84</u> | <u>FY'85</u> | <u>FY'86</u> |
|--------------|--------------|--------------|--------------|--------------|
| 4,632 | 4,203 | 4,184 | 4,869 | 5,795 |

The pending caseload increased during the five year period by 25.1% and during the past year, increased by 19.01%. This reflects that the judges have exceeded the threshold of effective caseload work and that a backlog of cases is rapidly increasing.

In addition to our civil and criminal caseload, the statistics reflect substantial increases in other cases. Juvenile actions have increased from 1,281 cases in FY'85 to 1,541 cases in FY'86 or an increase of 20.29%. Traffic cases have increased from 7,213 in FY'85 to 9,594 in FY'86 for an increase of 33.0%. Small claims increased slightly from 1,014 cases in FY'85 to 1,047 cases in FY'86. However, the Clerk of the Court advises that small claims actions should greatly increase from a new law that went into effect on July 1, 1986, which increased the jurisdictional amount of the actions to \$1,000.00 and permitted entities to file more cases. The Probate Section alone had 717 actions plus 115 mental health actions and 176 adoptions. The filings in the Juvenile and Probate Sections of the Special Court Department are simply too high for our

presiding judicial officers. In fact, their caseload represents the highest priority for additional judicial officers.

Our judges have terminated approximately 16,641 cases and some 9,594 traffic matters during the past year. This is an absolute caseload average of 1,188.64 cases per judge plus 9,594 traffic matters. In spite of their heavy caseloads, pending cases have greatly increased. We now have exceeded, in my judgment, the threshold of capacity and now have diminished effectiveness. The problem will continue to accelerate until additional judicial and non-judicial officers are appointed.

The Kansas Supreme Court has recognized our plight. The High Court certified the need for two additional judges and supporting personnel in the 1987 state judiciary budget. They reduced the number requested from 3 to 2 with the indication that the third judge was in the gray area. It is now up to the Kansas Legislature to approve the request. As you know, the State of Kansas faces a substantial downturn in tax receipts. As such, it will be difficult to obtain the necessary funding. Needless to say, however, we have a crisis on our hands. The following information will demonstrate why we must have additional judicial and non-judicial officers.

IV. THE NEED FOR ADDITIONAL JUDICIAL OFFICERS AND NONJUDICIAL PERSONNEL.

A. In General.

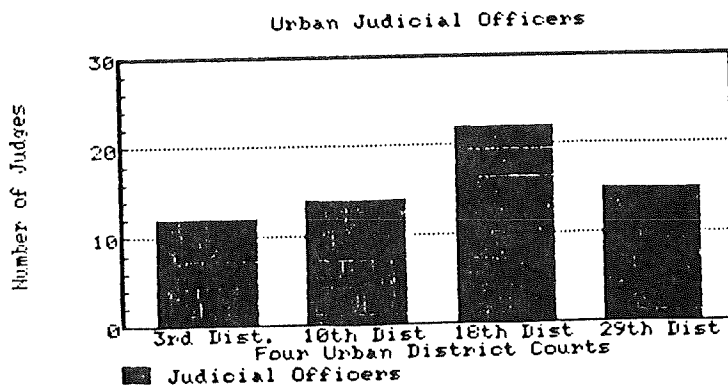
Our judicial officers have exceeded the capacity to take additional caseload. The statistics reflect a substantial increase in pending cases with a significant increase in all types of actions since creation of the unified trial court in 1976. Since then we have had no increase in judicial officers. The Juvenile Section caseload has increased from 1,281 cases in 1985 to 1,541 in one year. One judge can not cover that number of cases. In my judgment Juvenile cases should have careful and considered attention as the decisions directly affect the lives of our young citizens who will in turn influence the number of adult cases we have tomorrow. In addition, the criminal caseload has continued to increase. As Juvenile and Criminal caseloads increase, it affects the ability to address the civil caseload. As you know, criminal and Juvenile cases take priority over the civil docket. To accomplish the goal of maximum delivery of judicial service, our judges have responded to inter-departmental assistance. Judges in the Civil Court Department have taken assignment of criminal cases while continuing to preside over their civil caseloads. While the assistance has worked well, it adds to the steady increase in the pending civil caseload. Furthermore, we have a large number of complex and difficult cases in the civil department. The cases usually require the resolution of several motions. The motions usually contain

comprehensive and extensive briefs from both parties with lengthy statements of uncontroverted fact. The complexity of the motions mirror the fact that we are experiencing a substantial increase in complex litigation with multiple parties. Such litigation requires extensive and careful consideration by the presiding judge.

B. Comparison of Caseload.

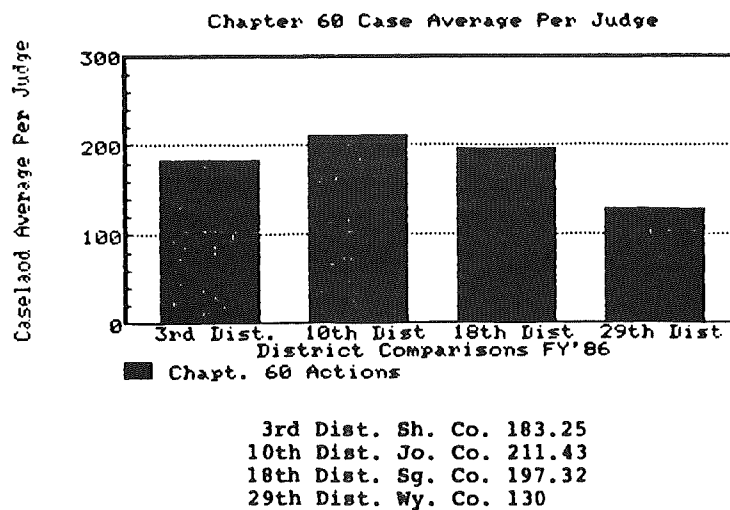
A comparison of our caseload with the three other large urban districts in Kansas substantiates my concern. The four districts compared are: Third Judicial District - Shawnee County, (Topeka); Tenth Judicial District - Johnson County, Kansas; Eighteenth Judicial District - Sedgwick County, (Wichita); and, Twenty-Ninth Judicial District - Wyandotte County (Kansas City, Kansas). The following graphs illustrate the increases in our caseload:

1. Urban Judicial Officers. The following chart reflects the number of Judges in the large four counties. You will note that Johnson County (Tenth Judicial District) has less judges than three of the four urban districts.



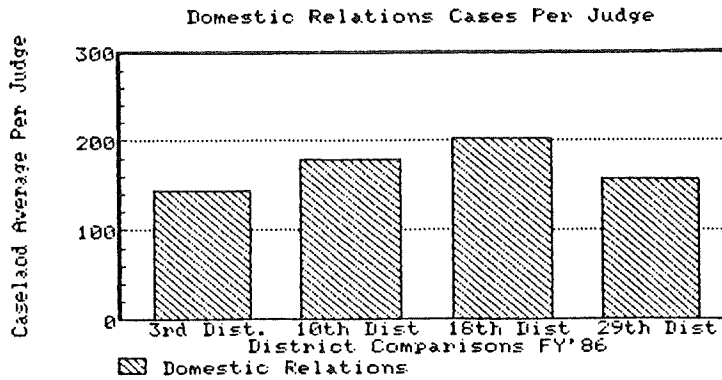
3rd Dist. Sh. Co. 12
 10th Dist. Jo. Co. 14
 18th Dist. Sg. Co. 22
 29th Dist. Wy. Co. 15

2. Chapter 60 Civil Caseload. The following graph exhibits that we have the largest Chapter 60 caseload per judge of the four large counties.



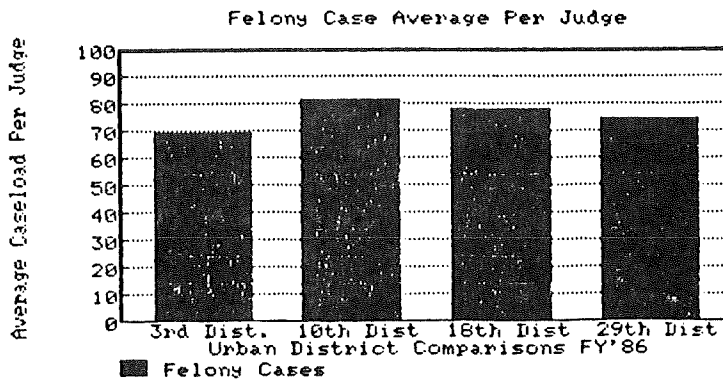
As you know, there are three types of civil actions: (1) Small Claims Proceedings or claims under \$1,000.00 and in which attorneys are not permitted to represent either party; (2) Limited Actions or claims of less than \$5,000.00; and (3) Chapter 60 Actions which are the complex and difficult cases with long protracted requirements.

3. Domestic or Chapter 60 D Cases. The next chart discloses that we have the largest caseload average of domestic cases in the four counties with the exception of Sedgwick County, Kansas.



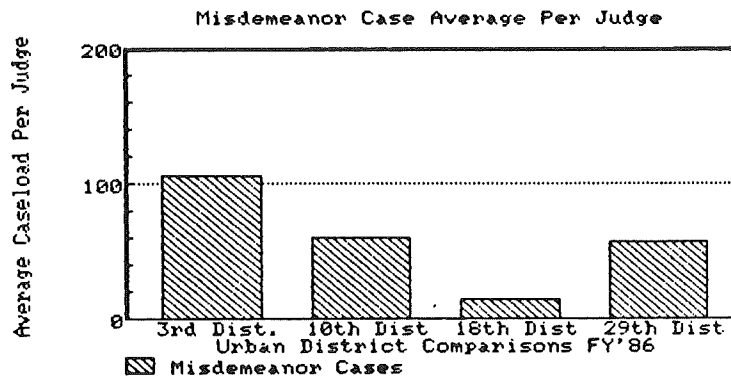
3rd Dist. Sh. Co. 144.17
 10th Dist. Jo. Co. 179.64
 18th Dist. Sg. Co. 203.68
 29th Dist. Wy. Co. 156.73

4. Felony Criminal Cases. The next chart reflects that we have the highest caseload average of felony criminal proceedings in the large four counties.



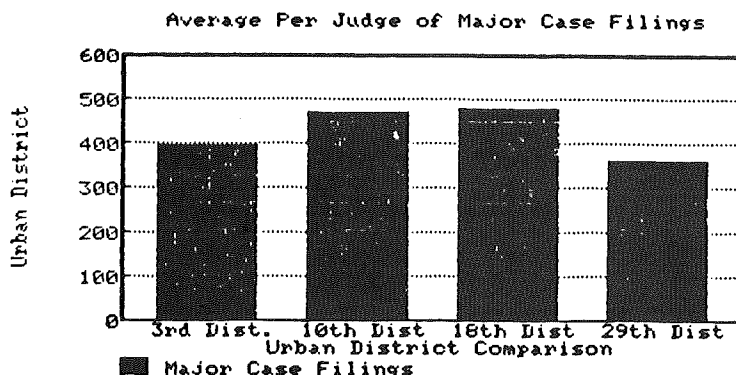
3rd Dist. Sh. Co. 69.42
 10th Dist. Jo. Co. 82.07
 18th Dist. Sg. Co. 78.31
 29th Dist. Wy. Co. 74.67

5. Misdemeanor Criminal Cases. The next chart shows that Johnson County has the second largest caseload average per judge of misdemeanor criminal cases. We exceed all four counties except Shawnee County. These cases usually take less time to try than felony cases.



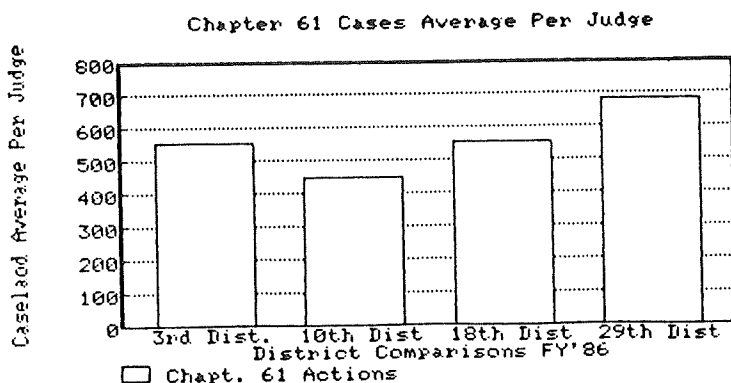
3rd Dist. Sh. Co. 107.08
 10th Dist. Jo. Co. 61.14
 18th Dist. Sg. Co. 15.50
 29th Dist. Wy. Co. 57.67

6. Average Caseload of Major Cases. The next chart discloses that the judges of Johnson County and Sedgwick County have almost the same average of major cases. Major cases consist of Chapter 60 civil cases; domestic cases; and felony criminal cases. They reflect the highest judicial caseload in terms of substantial time in trial resolution.



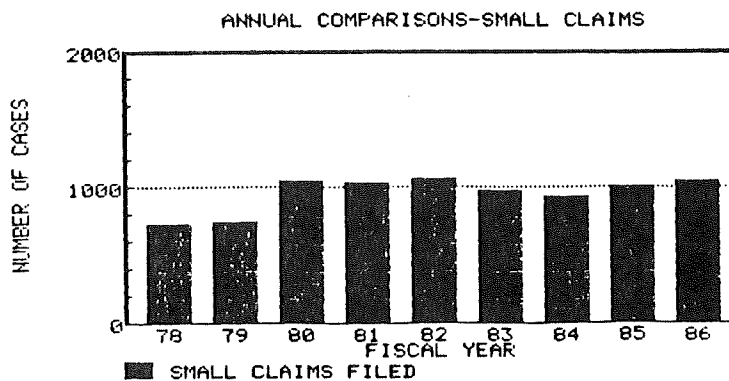
3rd Dist. Sh. Co. 397
 10th Dist. Jo. Co. 473
 18th Dist. Sg. Co. 479
 29th Dist. Wy. Co. 361

7. Chapter 61 Civil Actions. The following chart shows that Johnson County has the lowest caseload average of Chapter 61 actions. This is the limited civil action of less than \$5,000 in issue. While sometimes difficult, the cases take much less time than Chapter 60 (cases over \$5,000) and Chapter 60D (divorce, child custody, and visitation.)



| | |
|--------------------|--------|
| 3rd Dist. Sh. Co. | 555.58 |
| 10th Dist. Jo. Co. | 448.86 |
| 18th Dist. Sg. Co. | 553.36 |
| 29th Dist. Wy. Co. | 683.13 |

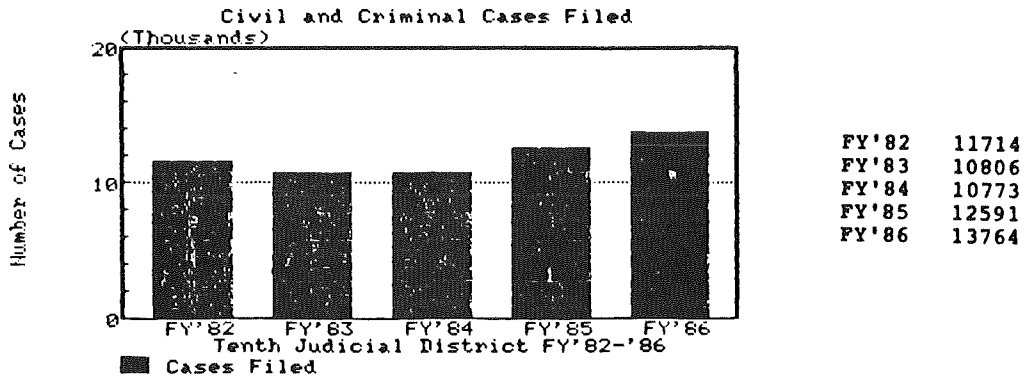
8. Small Claims Actions. The following chart discloses that small claims have increased slightly during the past year. They are cases that do not permit counsel, except on appeal, and can be resolved much more quickly than Chapter 60 or Chapter 60D cases.



| | | | | | |
|------|------|------|------|------|------|
| 1978 | 738 | 1981 | 1039 | 1984 | 930 |
| 1979 | 756 | 1982 | 1070 | 1985 | 1014 |
| 1980 | 1043 | 1983 | 984 | 1986 | 1047 |

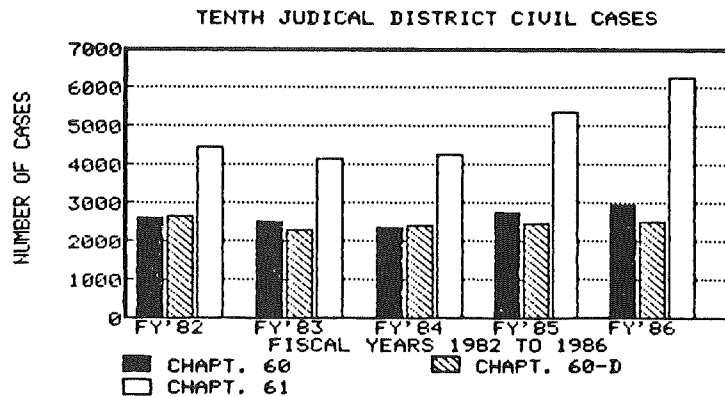
C. Civil and Criminal Cases in Johnson County, A Five Year Case Trend.

The following chart demonstrates the substantial increase in the number of civil and criminal cases during the past five years.



D. Civil Cases.

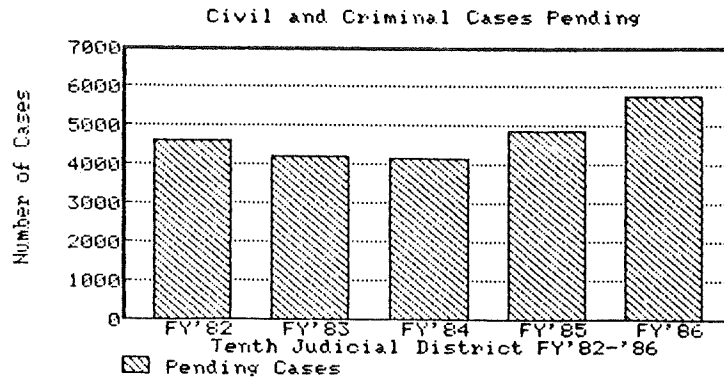
The following chart compares the number of Chapter 60, Chapter 60D, and Chapter 61 cases that have been filed over the past five years. The chart reflects a steady and continuous increase.



| | Chapter 60 | Chapter 60-D | Chapter 61 |
|-------|------------|--------------|------------|
| FY'82 | 2601 | 2658 | 4481 |
| FY'83 | 2533 | 2348 | 4170 |
| FY'84 | 2379 | 2431 | 4275 |
| FY'85 | 2797 | 2477 | 5398 |
| FY'86 | 2960 | 2515 | 6284 |

E. Pending Cases.

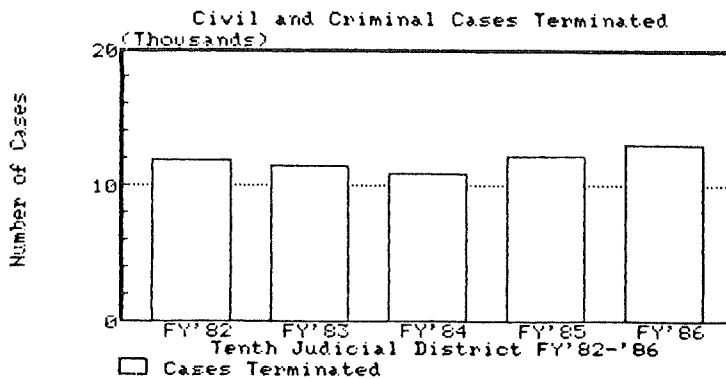
The next chart reflects the number of pending cases during the past five years. Please note the substantial increase in FY'86. This mirrors the fact that the caseload has increased to the point that our judges can no longer keep current with new case filings.



| | |
|-------|------|
| FY'82 | 4632 |
| FY'83 | 4203 |
| FY'84 | 4184 |
| FY'85 | 4869 |
| FY'86 | 5795 |

F. Terminated Cases.

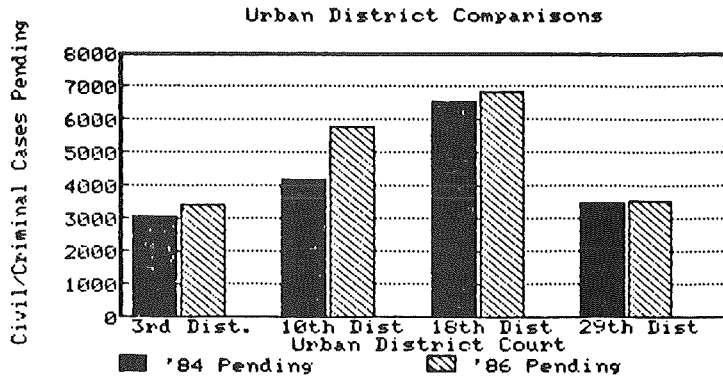
The next chart reflects the number of terminated cases in Johnson County during the past five years.



| | |
|-------|-------|
| FY'82 | 11924 |
| FY'83 | 11474 |
| FY'84 | 10991 |
| FY'85 | 12201 |
| FY'86 | 13045 |

G. Pending Cases Compared With Other Urban Counties.

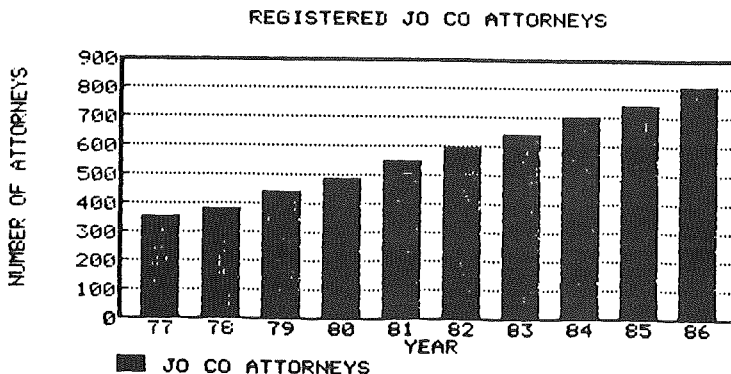
The next chart compares the number of pending cases in the large urban counties. Johnson County has a large increase followed by a moderate increase in Shawnee and Sedgwick Counties and a slight, but small increase in Wyandotte County.



| | '84 Pending | '86 Pending |
|--------------------|-------------|-------------|
| 3rd Dist. Sh. Co. | 3102 | 3461 |
| 10th Dist. Jo. Co. | 4184 | 5795 |
| 18th Dist. Sg. Co. | 6540 | 6862 |
| 29th Dist. Wy. Co. | 3486 | 3535 |

H. Registered Attorneys.

Johnson County has had a substantial increase in registered attorneys. The following graph illustrates that in 1977 we had approximately 350 registered attorneys and the number has increased to 813. Furthermore we have a total of 1,219 licensed attorneys who live in Johnson County, Kansas.



| | | | |
|-------|-----|-------|-----|
| FY'77 | 354 | FY'82 | 597 |
| FY'78 | 382 | FY'83 | 644 |
| FY'79 | 440 | FY'84 | 703 |
| FY'80 | 491 | FY'85 | 744 |
| FY'81 | 551 | FY'86 | 813 |

I. Summary.

The increased litigation requires the immediate appointment of additional judicial officers. In response to the need, I requested that the Kansas Supreme Court provide us with three additional judicial officers. The Supreme Court sustained the request in part and granted an increase of two full-time district judges with support staff. They further approved my request for other non-judicial personnel. They approved four court service officers for the Adult Probation Department. Our caseload in that department is extremely difficult. Our Adult Court Services Officers have an average probationary caseload of approximately 325 persons. As I understand it, good probation service envisions 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. Thus, unless supportative 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 obtain increased personnel.

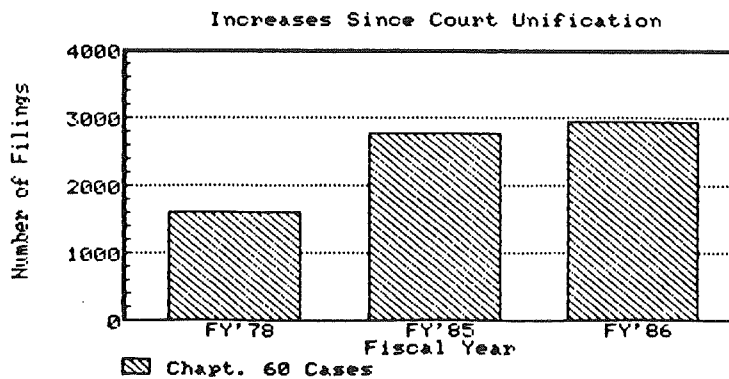
In summary, the statistics reflect significant increases in case filings from the date of unification. In 1978 we had 8,006 major case filings and as of 1986, the number has increased to

13,764 or a 58.16% overall increase. Civil case filings from 6,632 in 1978 to 11,759 in 1986 or a total of 56.39%. During the same period, criminal case filings have gone from 1,374 to 2,005 or a 68.52% increase. The number of jury trials during the period increased from 80 to 145 or an increase of 55.17%. Chapter 60 filings alone have increased from 1,624 to 2,960 or an increase of 54.86%.

V. CASELOAD INCREASES SINCE UNIFICATION.

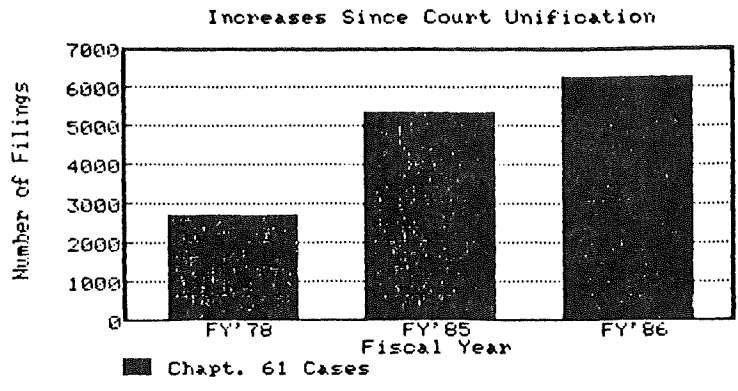
The following graphs reflect the increase of caseload in certain categories since unification in 1977 to date. As indicated, we have had no additional judicial officers since then. The purpose of the first two columns within the graphs is to reflect the increased caseload for the same number of judicial officers during the period of unification with a third column reflecting the changes in one year.

A. Chapter 60 Caseload.



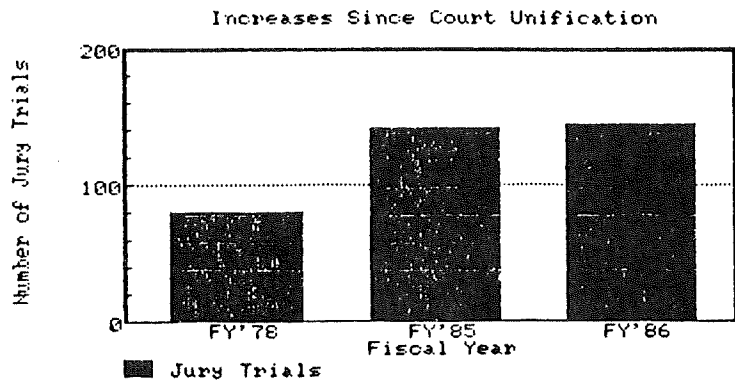
| | |
|-------|------|
| FY'78 | 1624 |
| FY'85 | 2797 |
| FY'86 | 2960 |

B. Chapter 61 Caseload.



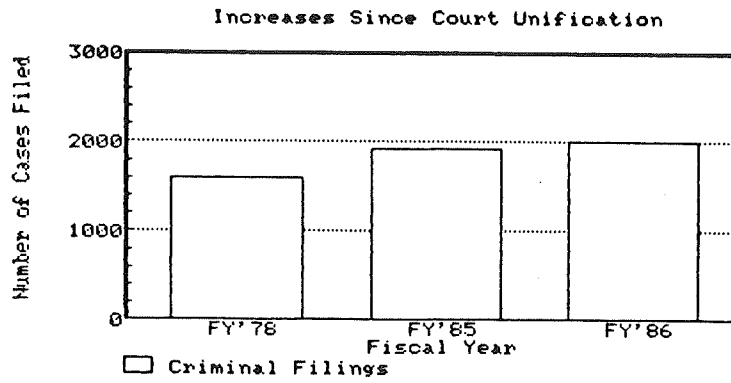
| | |
|-------|------|
| FY'78 | 2700 |
| FY'85 | 5398 |
| FY'86 | 6284 |

C. Jury Trials.



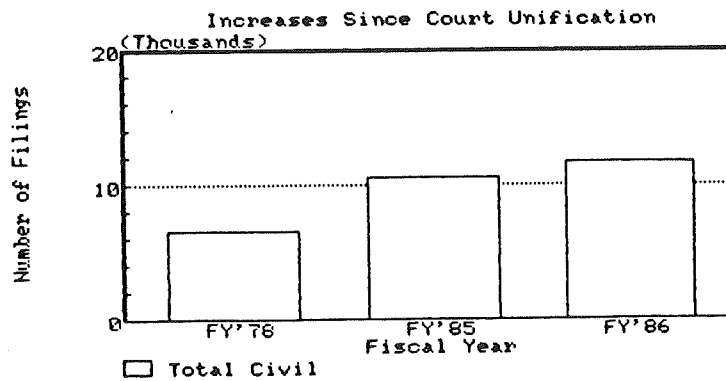
| | |
|-------|-----|
| FY'78 | 80 |
| FY'85 | 142 |
| FY'86 | 145 |

D. Criminal Filings.



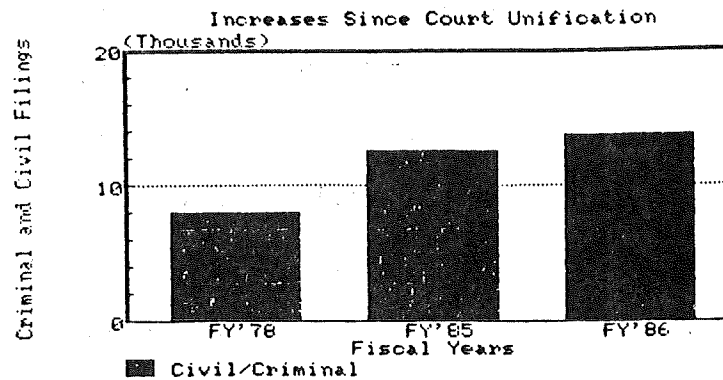
| | |
|-------|------|
| FY'78 | 1588 |
| FY'85 | 1919 |
| FY'86 | 2005 |

E. Total Civil.



| | |
|-------|-------|
| FY'78 | 6632 |
| FY'85 | 10672 |
| FY'86 | 11759 |

F. Civil and Criminal Filings



| | |
|-------|-------|
| FY'78 | 8006 |
| FY'85 | 12591 |
| FY'86 | 13764 |

Chapter 61 filings have increased from 1,700 to 6,284 or an increase of 232.7%. We have approximately 1,000 more Chapter 60 cases filed in Johnson County than in Wyandotte County. Our combined Chapter 60 filings equal 71% of the combined Chapter 60 filings for Wyandotte and Shawnee Counties together. Clearly, these statistics reflect a need for additional judicial officers in Johnson County.

VI. JUDICIAL ADMINISTRATIVE PARTICIPATION.

One policy of your Administrative Judge has been to continue the involvement of several judges in the administrative responsibility of our court. It is my pleasure to detail the involvement of your judges 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 monitoring their research assignments and work product.

The Honorable G. Joseph Pierron has assumed the responsibility of being our Rules judge. He has recently completed revisions to our Civil Court Rules which have been published. In addition, the judges of the Criminal Court Department are working on a draft review of new Criminal Court Rules. Sometime in the near future we should have a complete set of new rules for the court.

The Honorable Marion W. Chipman has administrative direction over the Civil JO/COURT System (the computerization of the Civil Court Docket). This is an important aspect of our court system. Several meetings were held by the committee and the civil docket is now ready for the programming of systems design changes from recommendations of the committee.

The Honorable Robert G. Jones chairs the Fair Trial-Free Press Committee. I consider this to be an extremely important committee which serves as a vehicle to foster understanding between the media and the courts.

VII. COMPUTERS AND WORD PROCESSING.

As stated in the 1985 message, one key aspect of our judicial district has been the administrative direction to use

computer technology. The use of modern electronic concepts has permitted us to stay abreast of the substantial increase in case filings and other work of the courts during the past several years. In fact, without the technology, we would have been hard pressed to provide the level of service that has been and is now provided by our non-judicial personnel. Thus, a further review of our involvement in computer technology is appropriate.

A. General.

Our computer software is patterned after programming developed in Wayne County, Oregon. The system is now looked upon as a "dinosaur" in computer technology. The Johnson County administrative offices have changed most of their software to a direct-write system except for the courts. A direct-write program is now being implemented for the courts and will take approximately two years to complete. During that period original programming for the courts will be restricted to statutory updates and matters needing immediate attention.

B. District Court Trustee.

The District Court Trustee was the first court office to be computerized. We have an outstanding Trustee system that has been updated periodically to reflect statutory changes and new laws. Recently, the system was revised to reflect the new laws passed by the State of Kansas so as to comply with the mandatory requirements of Congress in child support enforcement.

The collections made by the District Court Trustee have continued to increase. The collections from 1972 to 1986 reflect the following:

| <u>YEAR</u> | <u>AMOUNT</u> |
|------------------------|---------------|
| 1972 | \$ 95,562.00 |
| 1973 | 1,256,000.00 |
| 1974 | 2,764,231.00 |
| 1975 | 4,164,623.00 |
| 1976 | 5,530,109.00 |
| 1977 | 7,001,828.00 |
| 1978 | 7,591,000.00 |
| 1979 | 8,450,000.00 |
| 1980 | 8,754,325.00 |
| 1981 | 9,375,528.00 |
| 1982 | 9,502,883.00 |
| 1983 | 10,116,966.00 |
| 1984 | 11,756,651.00 |
| 1985 | 12,988,279.00 |
| 1986 (through October) | 14,762,566.00 |
| projected | 17,710,000.00 |

The fee to defray expenses of the operation of the office has been held to two percent (2%), which is exactly what it was in 1972 with the inception of the office. Federal financial participation from S.R.S. contributes about thirty percent (30%) of the operating budget expenditures. The 1986 budget for the office was \$479,705.00 and the approved budget for 1987 is \$553,868.00. This increase reflects the increased demands upon the office which resulted from the new child support enforcement laws. Even so, the office remains self-supporting. In addition, your Administrative Judge imposed a lid on the total of two percent (2%) fees that can be collected from any given account during each calendar year. In each individual account, the Court Trustee retains two percent of child support and maintenance payments which are processed to the maximum of \$8,850.00 annually. On a monthly basis the two percent fee applies to support payments up to \$737.50; two percent of which

is \$14.75. Any support currently ordered and paid in excess of that sum will not be subject to the two percent fee. The lid, however, does not apply to delinquencies from earlier years.

The Kansas Legislature amended the child support enforcement laws in 1986 that mandated payments through the office of the District Court Trustee. The law was changed to reflect that the payments shall be made through the office of the Trustee unless for good cause by order of the district judge. This returns the law to where it was prior to 1985. It is anticipated that few cases will be ordered paid directly to the obligee by the obligor because of the excellent enforcement by the Trustee and the need for accurate payment records. Furthermore, if the obligee is paid directly and later has difficulty with enforcement, our policy is not to later permit enforcement by the Trustee as it frustrates the need for sufficient revenue to administer an efficient and effective office.

The software of the District Court Trustee is scheduled for transition to the direct-write system in 1987. When this is completed, other changes are planned to increase the efficiency of the office. For example, bar graph technology is being considered to enhance the processing of support payments.

C. Criminal JO/COURT System.

The Criminal JO/COURT System is considered a "dinosaur" of computer technology. This reflects the rapid change that is occurring in the field. As a result, we are presently studying

the replacement of our entire Criminal JO/COURT System with a new criminal justice computer program involving the District Attorney and the Sheriff. Sheriff Fred Allenbrand, District Attorney Dennis Moore, and your Administrative Judge are presently taking steps to determine the feasibility of a new system. It is thought that we should retain the good of our present system and adopt the tenets of the most modern technology available.

A committee to complete the system design of the Criminal JO/COURT System is being formed. The plan envisions the Committee to be chaired by a district judge with members to include an administrative assistant to a district judge, and representatives from the offices of the Court Administrator, District Attorney, Sheriff, Clerk of the District Court, and Adult Probation.

D. Civil JO/COURT System.

Our Civil JO/COURT System has been on-line for several years. It represents a much better product than our Criminal JO/COURT System for the reason that the mistakes made in implementing the criminal system were corrected in the civil. However, improvements are still underway. Fee accounting is virtually complete and will go on-line in January, 1987. There still remains the development of internal management screens in the Office of the Clerk of the District Court and the use of in-house judicial research. The design system study has been completed and will be programmed in 1987.

E. Probate-Juvenile JO/COURT System.

A present study is being made of the utilization of computer technology in the Probate and Juvenile Sections of the Court. Much of the study has centered on the use of the main computer in the courthouse versus the acquisition of a separate system. There is a strong desire by the court to have its own computer system instead of relying on the County DSA. There are sound reasons for this view.

The control of the DSA Department lies with the Board of County Commissioners who hold and determine the priority of assignments. Concern is expressed over the significant delay that has occurred in the completion of software for the courts by DSA. It is a sincere belief that the delay will continue until the courts have control over the personnel and can direct their own program development. The view is bolstered at first blush by need of confidentiality for many of the special court department actions such as Juvenile proceedings and adoptions. It is argued that the legal requirement of confidentiality cannot be maintained without control of the computer development by the Courts. While there is support for this view, there is equal argument for a contrary approach.

The contrary view demonstrates the need for DSA and the mainline computer. It points to the high cost maintenance responsibility that a separate court system would require. The cost would include a separately maintained computer with necessary storage and maintenance facilities in addition to

staff. To understand this contention your Administrative Judge has directed a financial review to be made of court control. Needless to say, it introduces yet another argument for the continuation of DSA control. This position advances the proposition that a better maintained system can be continued by DSA and that confidentiality is no problem. It recognizes that a security code can be placed in the software to maintain and protect all requirements of law for confidentiality. Time will tell which course must be pursued. Yet, a course of action must be undertaken shortly. The burdens on the office are increasing and there is a cry for relief by acquisition of computer technology or more staff.

F. Word Processors for the Civil Court Department.

Eight IBM 3270 PC's were acquired in 1985 and put into operation for judges of the Civil Court Department. The 3270 PC's replace the 3270 terminals that were previously in place and permits each judge to communicate with the mainframe computer and use word processing. The PC's greatly enhance the effectiveness of the delivery of service by the judges.

G. Memory Typewriters for the Criminal Court Department.

Memory typewriters were provided in 1984 and 1985 for the four judges of the Criminal Court Department. The Administrative Assistants for those courts have determined that they do not need an IBM 3270 PC. However, one judge of the department has an IBM 3270 PC and future placement of PCs in the department appears to be positive.

H. Adult Probation.

The Adult Probation Department is presently making a study to determine whether or not computer technology can be utilized to better manage their huge caseload. At this time, the officers have a caseload of approximately 325 clients per officer and it is thought that computer technology might be able to help. Their needs are being assisted by access to the mainframe and a system is being introduced to give them access to the computer banks in Kansas City which give rapid case history information on clients. The needs of this department are a high priority for action.

I. Computer Aided Transcription.

The first phase of our C.A.T. program was put into operation in March, 1985. The second and third phases were completed in 1986. All of our court reporters are now on the system which greatly enhances our ability to rapidly produce transcripts of court proceedings.

Of equal importance is the recapture of the cost of acquisition. Reporters have agreed to forego the customary fees for copies of transcripts and the fees generated thereby are paid into the general fund to pay for the computer equipment. It is planned that the cost will be re-captured within seven to nine years.

J. Computer Steering Committee.

A Computer Steering Committee was appointed in 1986. The purpose of the Committee is to take charge of court software development and to update as rapidly as possible the scheduled

work product. At this time, planning has been made for software development up to 1991. If certain staff are added, the time has been reduced to 1989. Some of the programs scheduled are:

- (a) Fee Accounting;
- (b) Civil Conversion;
- (c) Criminal Redesign and Conversion;
- (d) Criminal Purge;
- (e) Criminal Judicial Administration;
- (f) District Attorney Support;
- (g) Sheriff Support;
- (h) Adult Probation Support;
- (i) Court Trustee Conversion;
- (j) Traffic Redesign and Conversion;
- (k) Probate Court;
- (l) Juvenile Court;
- (m) Juvenile Probation;
- (n) Child Support;
- (o) Trustee Wage Withholding,
- (p) Judicial Records.

K. Access to Court Records by Computer Technology.

Access to court records through the use of computer technology is now being considered. Several abstractors have made the request to have a telephone modem connection to the Civil JO/COURT System. The abstractors would have CRT's in their offices with a direct on-line access to the system. They argue that they could provide a better and more rapid service for their clients and would not take up valuable courthouse space with the present CRT's in the courthouse. They further stress -- with concurrence from the Clerk -- that they could reduce considerable phone contact and resultant work now provided by the Clerk.

The future of the delivery of service to the public will be greatly affected from access to the court records by computer technology. It goes without saying that many other offices should want access to the records. We have many large

law firms, insurance companies, mortgage companies, and other agencies that should have such interest. In fact, the future of the delivery of present computer records of the court to the public and court proceedings in general stand to be influenced and affected. I will keep you advised of this development in my next report.

VIII. DISTRICT COURT TRUSTEE - CHILD SUPPORT ENFORCEMENT

Congress enacted laws in 1984 that substantially changed child support enforcement. While it is beyond the scope of this message to discuss the amendments, a brief reference to the provisions would be helpful to discuss the 1986 changes that have been made in the office of the District Court Trustee. Highly summarized, the congressional enactments require the states to provide: (1) wage withholding; (2) an expedited legal process; (3) tax refund offsets; (4) liens upon real and personal property; (5) the establishment of paternity anytime before a child's eighteenth birthday; (6) security or bonds; (7) reports to credit bureaus; (8) enforcement of maintenance as well as child support when both are contained in a single order; (9) provisions for including medical support as part of the child support order when private health insurance is available; (10) child support guidelines must be in place by October 1, 1987; and (11) that a Child Support Commission must be appointed by the Governor of each state with representatives from all aspects of the child support delivery system. Your Administrative Judge was

appointed to the Commission and later was elected by the 23 members as Chairman of the Commission. The life of the Commission has been extended from 1985 to May, 1987 by the Governor.

In response to the Congressional mandate, Kansas was one of the first states to pass laws in compliance. The new laws are very comprehensive and are found in several statutes. The bulk are contained in K.S.A. 1985 Supp. 23-4,105, et seq. and others are found in Chapters 23, 39, and 60. One key aspect of the law was the mandate to the Kansas Supreme Court to provide by rule for an expedited legal process for child support enforcement and visitation.

The Kansas Supreme Court responded to the mandate and promulgated Rule 172. The rule requires the administrative judge of each district to provide for an expedited judicial process. It permits the trustee to be appointed as a hearing officer to preside over summary administrative hearings. The rule further authorizes the hearing officer (trustee) to:

- (1) Take testimony and prepare written findings of fact and conclusions of law which shall constitute the summary record;
- (2) Evaluate evidence and to decide the most expeditious manner either to establish or to enforce court orders;
- (3) Accept voluntary acknowledgement of support liability and stipulated agreements setting the amount of support to be paid;

- (4) Accept voluntary acknowledgement of parentage, and
- (5) Make recommended orders, including recommended default orders. The hearing officer is required to announce the decision in writing with a copy to all parties or their attorneys. The decision or a copy thereof is required to be filed with the Clerk of the District Court.

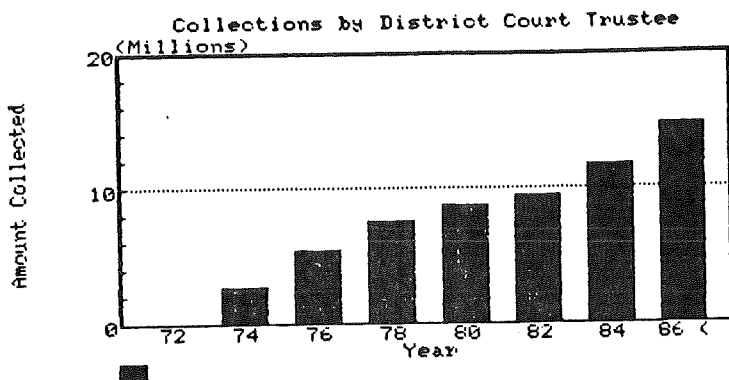
The decisions of the court trustee are subject to review by a district judge on the motion of any party filed within ten days after the order was entered.

Following the rule of the Kansas Supreme Court, this court, by action of your Administrative Judge, promulgated a rule making the trustee a hearing officer and setting forth his quasi-judicial duties as an administrative officer. See Appendix "A".

One aspect of the duties gives concern. The trustee has a primary duty to enforce child support. In doing so, he is placed in an adversary role against the obligor. Being an adversary is contrary to the concept of being a neutral body to hear evidence and make findings of fact and conclusions of law. In order to address this inherent contradiction, a recommendation to our judges to modify the role is being formulated. In essence, the recommendation will embrace the creation of an administrative hearing officer without any enforcement responsibility. The sole responsibility of the officer will be to preside over the administrative hearings. It is thought that this procedure will remove the justified concern of the bench and bar.

In passing, it should be noted that the office is doing an outstanding job. The following chart reflects that the office

should collect over seventeen million dollars this year. This is the highest collection figure in the State of Kansas and is substantially higher than any office in the metropolitan Kansas City area.



| | | | |
|------|-----------|------|-----------|
| 1972 | 95562 | 1980 | 8.75400E6 |
| 1974 | 2.76400E6 | 1982 | 9.50200E6 |
| 1976 | 5.52900E6 | 1984 | 1.17500E7 |
| 1978 | 7.59100E6 | 1986 | 1.77100E7 |

IX. JUDICIAL EDUCATION.

No new changes in the judiciary occurred in 1986. However, our new judges followed the tradition of our judiciary by attending and completing judicial orientation at the National College for the State Judiciary at Reno, Nevada. The judges completing the educational orientation were The Honorable James W. Bouska, Court No. 9; The Honorable Larry McClain, Court No. 10; and The Honorable Janice D. Russell, Court No. 7. In addition, many of our judges attended judicial seminars and returned home with new concepts to improve our judicial procedure.

X. COMMUNITY CORRECTIONS.

Community Corrections was returned to full operation on November 1, 1985. The second program was authorized by the Kansas Legislature after statutory work was carried out by the Board of County Commissioners. In January of 1985 the Board appointed the Johnson County Community Corrections Advisory Board prior to the new program. The composition of the Board included statutorily designated members and representatives of the large cities and other members at large. The Committee had frequent meetings throughout the year and complied with the mandatory provisions of law and requests from the Board of County Commissioners.

One key aspect of the second program was the establishment of a residential center. The center was built at the Johnson County Industrial Airport (old naval air station) and has facilities for 33 residents. The purpose of the center is to provide the courts with a source of referral for non-violent offenders. The center provides a non-secured but highly structured and monitored living environment. It gives the resident the opportunity to be reintegrated into the community and to learn and to behave in a legally and socially acceptable manner.

The need for the facility was readily apparent. Within three weeks after its opening it was filled with residents. The facility has continued to experience a full capacity status since it was put into operation. Whenever one resident completes that phase there is always another waiting to be admitted.

The work of Community Corrections is substantially on course. The chargebacks to the budget are approximately two percent (2%) in excess of the plan. This is not from a lack of confidence from the judiciary but represents the fact that we have experienced a significantly high caseload of extremely difficult cases during the year. The cases were not anticipated and the judiciary and the Community Corrections officers are to be congratulated for their service in making the program work under difficult conditions. At this time, there is a large number of clients on intensive probation and the residential center is at full capacity. Frankly, the Kansas Legislature must address the need for additional financing for the program as a result of the unanticipated number of difficult cases. If the program is not financially supported, more defendants will have to be committed to the custody of the Secretary of Corrections.

XI. FAMILY LAW.

Continued attention was given to new concepts in family law during 1986. Mediation in child custody and visitation was expanded. A new educational program for parents with children in divorce (GRASP) was made mandatory. The expedited legal process for visitation was put into operation as well as the expedited program for child support enforcement. Furthermore, an excellent CLE program is scheduled for the Spring of 1987 by our Bar Association.

A. Mediation.

The unofficial rule of our civil court department requiring mediation in child custody and visitation was continued. The results reflect a positive picture. Some 264 families have been seen in mediation from January 1985 to October 1986. The following results were achieved.

- a. Agreements - 133;
- b. Settled on own after mediation involvement - 39;
- c. Settled on own before mediation involvement - 15;
- d. No agreement - 67; and
- e. Not recommended for joint sessions - 10.

If the first three categories (a,b,& c) are combined, 70.8% of the families using mediation resolved their problems without a contested hearing. The results verify the use of mediation and justify the continued referrals by our judges. I anticipate a formalized a rule in 1987.

B. Neighborhood Mediation; KBA

The project Early Dispute Settlement of the Kansas Bar Association in Johnson County continues to be a success. As you know, this is the pilot project of the KBA to provide neighborhood mediation. Several of our attorneys provide the service free of charge. The usual subjects referred are: consumer/merchant disputes such as faulty repair, refunds, or defective goods or service; landlord/tenant disputes; neighborhood disputes such as barking dogs, loud noises, harrassment, nuisance, improperly parked automobiles, minor property damage, trash, debris and tree limbs.

The use of the alternate dispute resolution of the K.B.A. is administered and handled by Kansas Legal Services of Olathe. The service is made known to litigants when filing small claims actions. If the mediation is not successful, the small claims action can be commenced. Another pilot program similar to the program in Olathe is planned for Wichita or Topeka.

C. GRASP

A new program for parents in divorce entitled GRASP was commenced in 1986. By Court Rule 26, the parents are required to attend the program on General Responsibilities as Separating Parents. The classes are conducted by the Johnson County Mental Health Center every Tuesday morning from 9:00 a.m. to 11:00 a.m. in the Hearing Room of the Board of County Commissioners on the 8th Floor of the Courthouse. There is a small attendance charge of \$10.00. However, if the party is indigent the fee may be waived. The Rule further permits the presiding judge to waive the requirement of attendance. In passing, the feedback from parents attending is very positive.

D. Expedited Legal Process for Visitation.

Congress did not mandate an expedited legal process for child visitation. However, the Legislature of Kansas was persuaded that such a law should be enacted. Kansas is the only state that requires such process. The law recognizes the typical problem in child support when an obligor refuses to pay child support because of denied visitation. As you know, child support and visitation are interdependent. It is not proper to cease

child support from a denial of visitation nor is it proper to deny visitation for nonpayment of child support. Obligors demanded an expedited procedure to remedy the denial of visitation and the Legislature agreed. Forms, as required by law, are available in the Clerk's office for an obligor denied visitation to fill out and present to a district judge. The law requires the district judge, upon presentation of such motion, to set the matter for hearing within ten (10) days or to refer it for mediation. If the mediation is not successful, the judge must set the matter for hearing within ten (10) days. The forms are appended here as Appendix "B".

E. Amendments to Code of Professional Responsibility for Mediation.

While beyond the scope of this judicial message, it should be mentioned that the Family Law Advisory Committee of the Judicial Council has completed research for amendments to the Code of Professional Responsibility to clarify the ethical position of lawyers in mediation. The final study was approved by the Judicial Council and has been forwarded to the Kansas Supreme Court for consideration. If adopted, it should clarify the ethical role of the attorney and encourage more education in the art of mediation.

F. Practicum in Mediation (PAM).

A local committee of professionals known as Professional Associates in Mediation (PAM) are attempting to develop an internship (practicum) for mediation. The goal is to

secure cooperation from a university to establish and monitor the practicum. This recognizes that those contemplating the theoretical still need the practicum of experience.

G. Child Support Guidelines.

The Kansas State Commission on Child Support Enforcement has completed tentative state guidelines for child support. The Commission is mandated to complete the work by October, 1987. While the guidelines are not available at this writing, they should be available within the next 30 days.

XII. ENVIRONMENTAL CLAIMS.

The Board of County Commissioners recently announced the desire to establish a county court modeled after a municipal court to provide jurisdiction over environmental claims. They plan to ask our legislature for authority to establish such a court with de novo appeal and independent of the district court. While the need is present to address environmental claims, I have definite concern over the independent court establishment.

A special blue ribbon committee named the Kansas Judicial Study Advisory Committee was appointed by the Kansas Supreme Court in 1974 to study the need of court modernization. The Committee was headed by the Honorable Edward F. Arn, former Governor, Attorney General, and Justice of the Kansas Supreme Court. In the report, the Committee found fault with the establishment of and continuation of special courts. They cited several reasons:

- a. Wasteful duplication of personnel performing essentially the same functions;
- b. the lack of flexibility in the use of judicial and non-judicial personnel;
- c. the lack of proper supervision; and,
- d. the fragmentation of jurisdictions among trial courts.

See Washburn Law Journal, Vol. 19, Number 1, Winter, 1974 at pages 296-297.

The Committee recommended that a Unified Trial Court would be the answer to these problems.

The same arguments can now be advanced concerning the creation of a county municipal court. There would be a duplication of clerk personnel. There would be a lack of flexibility in the use of a judicial officer with a docket of few claims along with a lack of supervision. It would further result in a fragmentation of the trial courts.

A better solution is available. The environmental claims could be handled in the same fashion as small claims. There could be an environmental docket and it could be blended into our present court structure. The claims could be filed with our present clerk instead of creating another court bureaucracy. In passing, however, it is clear that there is a need for environmental claims to be heard promptly instead of resorting to our present adjective law of the injunctive power of the court.

XIII. COURT SERVICE OFFICERS.

We continue to have a significant problem involving adequacy of court services personnel. As indicated previously, our Adult Probation Department is grossly understaffed. Each officer has a caseload of approximately 325 clients. The national rate for a reasonable caseload is approximately 40 clients per officer. Our caseload exceeds the national average by approximately 562%. This is extremely high. Furthermore, the report from the Office of Court Administration reflects that the caseload of the court services officers has increased in virtually every area of their work. Juvenile case filings have increased; domestic service orders have increased; Juvenile Hall detainments have increased; and the number of pre-sentence investigations in the Adult Department has increased. While it is true that we are earmarked for four (4) additional probation officers, the actual needs of the department are not being addressed. While we further intend to see if computer technology can be helpful, we must have more officers. We hope that you will give us the assistance to see that the Legislature does not trim the four new C.S.O.'s the Supreme Court has authorized.

XIV. POTPOURRI.

A. Budget.

I am happy to inform the citizens of Johnson County that we are well within our budget limitations.

B. Telephone Conferences.

The judges of the district court continue to accelerate the use of telephones in hearing discovery conferences, pre-trial conferences, and sundry motions. This saves the litigant money and makes the delivery of professional services more efficient. However, our phone systems need to be modified. The conference speakers are wholly inadequate and make it difficult to make a record of the conference.

An investigation in the acquisition of conference phones was not fruitful as the costs were simply too high. The cost for installing proper phones was some \$33,000.00. Our judges simply believed that to be excessive. At this time, we are still looking for a reasonable approach in solving this problem. I will report to you in the next State of the Judiciary as to our success.

C. CASA (Court Appointed Special Advocates).

I am pleased to announce that CASA continues to grow in Johnson County. As you know, the program was brought about through the combined efforts of Mrs. Suzanne H. Hardin and the National Council of Jewish Women, Greater Kansas City Section. We now have some 39 volunteers who have completed the required training program. The Program Director, Mrs. Leigh Kline, has outstanding credentials and the volunteers are equally well educated. This is an extremely good program and I am pleased with its implementation. We are one of three jurisdictions in the United States to have a pilot use of CASA volunteers in child

custody. The preliminary reports of their use in child custody is positive.

I am very complimentary of the hard work of the Honorable Bill Haynes, Mr. Michael McLain, Director of Court Services, and the ladies and gentlemen involved. I will report to you on the subject in the next State of the Judiciary Report.

D. Crossroads Youth Program.

The Crossroads Youth Program of our Community Corrections program continues to deliver outstanding service to our community. As you know, the program is administered in our Juvenile Hall and addresses drug dependence problems.

E. Archives.

Old Court records are stored in the archive building at the Industrial Airport. At this time, needed records are brought to the courthouse daily by our archives director. The interior of the building is presently being painted and cleaned. After that is completed, an inventory will be taken for the consideration of space problems that are developing. We now fill some 55 to 60 five-drawer file cabinets a year and this number of files must be stored at the facility. It is projected that we will be out of space within three years unless some files are destroyed. I will keep you advised of this need next year.

F. Bench/Bar Committees.

We have five Bench/Bar Committees in this judicial district, namely: Criminal, Civil, Probate, Juvenile, and Domestic. The committees have been active and it is in our

interest to continue this excellent association with members of the Bar Association. It is anticipated that the interrelationships between the bench and bar will continue in the interest of improving the delivery of our professional services to the people.

G. Bail Bonds.

The regulation of bail bond companies is a responsibility of the Administrative Judge. It is difficult due to the intense environment of competition and the nature of the client. In my judgment, it must be regulated very closely to avoid problems inherent in the business. We now have the following bail bond companies:

Virgil Smith Bonding
Arrecorp Bonding
Mannie's Bonding
Mid-America Bonding
Sharp Bonding
George Smith Bonding

Each year a bail bond company must present an application to transact business for the following year. This requires a review of the company property that is pledged for the business along with an appraisal of its fair market value. After approval, the company is required to submit a monthly document reflecting the amount of outstanding bonds. Some companies do not use property as authority for business. Instead, they obtain authority from an insurance company that is approved to do business by the Kansas Commissioner of Insurance. If bonds are not paid, it is a basis to suspend the company from doing business. When the value

of the pledged property is exceeded by the bonds, it is also a basis for temporary suspension. At present, your Administrative Judge is having periodic meetings with the companies to foster better understanding and to develop prudent rules of business. I will keep you advised of the progress in the next State of the Judiciary Message.

G. ADSAP Certification.

The law of Kansas provides in K.S.A. 1985 Supp. 8-1008(b) that the Administrative Judge should certify Alcohol and Drug Safety Actions Programs in the district. This is difficult for the reason that it requires analysis of a business of which lawyers are not generally familiar. Because of this concern, a committee of professionals has been appointed. They review the applications and make recommendations on the certification request. In addition, another committee has been appointed to help develop a standard of criteria for ongoing programs. The committee is headed by Gerald T. Elliott, a member of our Bar. I will report on the work of this Committee in the next State of the Judiciary Message.

H. Jury Coordinator.

We have an excellent program for jury duty with the one day one trial program. The program was put into operation several years ago from the efforts of the Honorable Lewis C. Smith, Retired District Judge, and the Honorable Phillip L. Woodworth, Court No. 5. Like most good programs, it has been modified to make it even better. Our Jury Coordinator, Kathy

Thomas, presented information to our judges for a phone answering machine to excuse jurors from jury duty. The application was approved and placed in operation. It is a success except when we have a large number of jury trials creating too many phone calls for the answering machine to handle. To alleviate this problem, an additional answering machine has been ordered. When put into operation, the problem should be eliminated. In addition, Ms. Thomas has made recommendations for a reasonable approach to consider non-attendance by jurors. I will advise you of the progress in the next State of the Judiciary.

XIII. CONCLUSION.

This is the third time that I have had the opportunity to present a State of the Judiciary Message. I believe it is in the interest of good government that the message be given each year.

We continue to have a very active relationship between our bench and bar. The statistics reflect that our judges have done an excellent job in the disposition of cases. Yet, we have passed the threshold of judicial effectiveness. We need additional judges in the Criminal Court Department and a judge in the Juvenile Section. The Supreme Court has certified the need for two additional judges to the Legislature. If they are not authorized, it will have a chilling effect upon our ability to function. We are experiencing an increase in complex cases with protracted trials along with a large number of motions for

summary judgment. We have the highest caseload per judge in the large counties of Chapter 60 actions and felony cases. We really need three additional judicial officers, but the Supreme Court placed the third officer in the gray area. Furthermore, we have an acute need for additional non-judicial personnel in the Adult Probation Department. In spite of the justification, the action of the Supreme Court in certifying the additional judicial officers and non-judicial personnel will be meaningless unless the Legislature finds the necessary funding. Hopefully, the Legislature will address this critical problem so we can continue to deliver efficient and needed service.

The facts of the Report further demonstrate that we are innovative in this district. We constantly look at new methods to improve our work so that we are more efficient and effective. It is a privilege to be your Administrative Judge. I have enjoyed working with each of you and look forward to the future in our continued efforts to effectively deliver services to the people.

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
ADMINISTRATIVE PROMULGATION
RULE NO. 27

District Court Trustee; Appointment; Enforcement of Support; and Expedited Judicial Process for Child Support Matters.

Pursuant to Rule 172 of the Kansas Supreme Court, the provisions of K.S.A. 1985 Supp. 23-496 and Section 53, Chapter 115 of the Kansas Session Laws of 1985, the following rule is promulgated by the Administrative Judge of Johnson County, Kansas for the appointment of a District Court Trustee along with rules relating to the enforcement of support and an expedited judicial process.

Mr. Donald Amrein is appointed District Court Trustee of Johnson County, Kansas, to serve at the pleasure of the Administrative Judge, of the Tenth Judicial District.

Orders of Support.

1. All orders for payment of child support shall provide that such payments shall be made payable to the order of the District Court Trustee.
 - (a) Ex parte orders. A copy of all ex parte orders for child support and the accompanying affidavits required by Supreme Court Rule 139 shall be transmitted by the clerk to the trustee. The residence, business address, and social security numbers of both parties shall be contained in the affidavit.
 - (b) Orders of support decreed at trial. A Copy of all orders for child support decreed at trial and the accompanying required factual statements under Supreme Court Rule 164 shall be transmitted by the clerk to the trustee. The required factual statement shall include the residence, business address, and social security numbers of both parties.
 - (c) Orders of support decreed subsequent to trial. Copies of all orders for child support decreed subsequent to trial and the affidavits required shall be transmitted by the clerk to the trustee.
 - (d) Mandatory language in support orders. Each support order shall include the following provisions:

"IT IS FURTHER ORDERED that all child support and maintenance payments shall be made payable to the

order of the District Court Trustee; and that each party shall inform the District Court Trustee in writing of any change of name, residence, and employer with business address within seven (7) days after such change." K.S.A. 1985 Supp. 60-1610(a) and (b)(2), Section 10, chapter 115, Kansas Session Laws of 1985.

"IT IS FURTHER ORDERED that withholding of income to enforce the order of support shall take effect under the law of Kansas if:

- (a) There is an arrearage in an amount equal to or greater than the amount of support payable for one month;
 - (b) At least all or part of one payment is more than ten (10) days overdue."
2. Record of support payments. The District Court Trustee shall maintain a record of such child support and maintenance payments pursuant to this rule. K.S.A. 1985 Supp. 60-1610(a) and (b) (2).
 3. Imminence of delinquency. Whenever an obligor is seven (7) days delinquent in any such payment the District Court Trustee shall notify the obligor of the delinquency and that action will be taken to enforce the support order which shall include withholding of income as provided by the law of Kansas unless the support payments are immediately paid.
 4. Costs of enforcement. The District Court Trustee is authorized to charge 2% of the funds collected under this rule to defray the costs of enforcement pursuant to K.S.A. 1985 Supp. 23-497.
 5. Powers of District Court Trustee.
 - (a) The District Court Trustee is empowered to pursue all civil remedies which would be available to an obligee in establishing and enforcing payment of support. The District Court Trustee may also file motions to modify the amount of support on behalf of any child, and to give notice of the motion to the obligee and obligor and their attorneys of record, if any.
 - (b) The District Court Trustee shall have additional powers and duties as follows:
 - (i) To issue summonses, subpoenas and subpoenas duces tecum to obligors, obligees, and other witnesses who possess knowledge or books and

records relating to enforcement of support to appear in the office of the trustee or before the district court for examination;

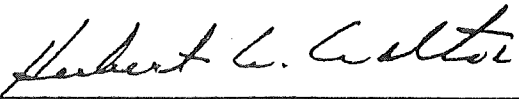
- (ii) To administer oaths and take sworn testimony on the record or by affidavit;
 - (iii) To appoint special process servers as required to carry out the District Court Trustee's responsibilities under this rule;
 - (iv) To enter into stipulations; acknowledgements, agreements and journal entries, subject to approval by a judge of the court; and
 - (v) To preside as a hearing officer at summary administrative hearings relating to the establishment, modification, and enforcement of support orders as provided by law. It is the intent of this Administrative Order that regular and routine cases shall be ordinarily be heard by the District Court Trustee at a summary administrative hearing. However, for cases involving complex issues requiring judicial resolution and where necessary to meet the disposition guidelines set forth herein, District and Associate District Judges may hear those matters as the hearing officer.
- (c) As a hearing officer for summary administrative hearings, the District Court Trustee shall have the following authority;
- (i) Take testimony and prepare recommended written findings of fact and conclusions of law which shall constitute the summary record;
 - (ii) Evaluate evidence and decide the most expeditious manner either to establish or to enforce court orders;
 - (iii) Accept voluntary acknowledgement of support liability and stipulated agreements setting the amount of support to be paid;
 - (iv) Accept voluntary acknowledgement of parentage;
 - (v) Make recommended orders, including recommended default orders; the hearing officers shall announce the decision in writing with a copy to all parties or their

attorneys. The decision or a copy thereof shall be filed with the Clerk of the District Court.

6. All recommended orders of the District Court Trustee shall be subject to approval by a Judge of the District Court and shall become a final judgment of the District Court unless the obligor requests in writing a judicial hearing within ten (10) days from the date of the filing of the recommended order by the District Court Trustee; and
7. Income withholding hearing. The District Court Trustee as administrative hearing officer shall permit the obligor to contest an order of income withholding at a hearing and permit the obligor to assert any affirmative defenses authorized in Chapter 115, Section 6, 1985 Session Laws of Kansas, and shall within forty-five (45) days of notice of delinquency to the obligor render a decision on whether to withhold income.
8. Prohibition against direct payments. No child support or maintenance payments made directly to the obligee or for the benefit of the obligee by the obligor are to be credited to the obligor.
9. Information forms. Upon the commencement of a new action or modification of an old action, the District Court Trustee shall forward to the obligee and obligor certain District Court Trustee information documents. See Appendix A, B, C, and D for suggested forms.
10. Periodicity of payments. Any support or maintenance order entered after the effective date of this rule shall specify the payment period, e. g., monthly, weekly, and the date by which the first payment shall be made.
11. Time standards. The Administrative Judge of the District shall monitor all cases subject to the expedited judicial process in order to insure that any action to establish, modify, or enforce court obligations is completed from the time of filing to the time of disposition within the following time frames:
 - (a) 90% in 90 days.
 - (b) 98% in 180 days.
 - (c) 100% in 365 days.
12. Case involving complex issues. If a case involves

complex issues which cannot be resolved within the disposition guidelines, a temporary support obligation shall be established under expedited processes and the unresolved issues may then be referred to the District Court for resolution. [303.101 (b)(4)].

BY ORDER OF THE ADMINISTRATIVE JUDGE OF THE TENTH JUDICIAL DISTRICT OF KANSAS.



Administrative Judge

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

IN THE MATTER OF THE MARRIAGE OF

and

Case No. _____
Court No. _____

MOTION TO ENFORCE VISITATION

The non-residential parent in this action moves the court to set a hearing and enforce its order on visitation of the minor (child) (children) of the parties.

In support of the motion, the non-residential parent states that the rights of visitation as set forth in the order of the court, a certified copy of which is attached hereto, are being denied by the residential parent.

That the name, current address and telephone number of the residential parent where the order for hearing may be served is:

_____.

Wherefore, the non-residential parent prays the court to enforce reasonable and proper visitation rights granted in the court's original order, and any other relief as the court may deem just and equitable and to set this matter for hearing within 21 days as provided by law.

Dated this ___ day of _____, 19__.

Non-residential Parent

Address

Telephone Number

SUBSCRIBED AND SWORN TO, before me, (Notary Public) (Clerk of the District Court), this ___ day of _____, 19__.

(Notary Public) (Clerk of the District Court)

APPENDIX "B"

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

IN THE MATTER OF THE MARRIAGE OF

_____ and

Case No. _____
Court No. _____

CERTIFICATE OF SERVICE

I hereby certify that on the ___ day of _____, 19__, I served a true and correct copy of the foregoing Motion To Enforce Visitation and the Order for Hearing on _____

_____ the residential parent in the above captioned matter and _____

_____ the non-residential parent in the above captioned matter, by certified mail, postage prepaid, return receipt requested or by _____

CLERK OF THE DISTRICT COURT

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

IN THE MATTER OF THE MARRIAGE OF

and

Case No. _____
Court No. _____

ORDER FOR HEARING

On this ____ day of _____, 19__, it is ordered that the Motion to Enforce Visitation filed by _____ in the case above be heard on the ____ day of _____, 19__, at _____.m. in Court No. ____.

Notice of the time and place of the hearing shall be given by certified mail, return receipt requested, to the following persons:

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

or by _____
_____.

District Judge
Court No. ____

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

IN THE MATTER OF THE MARRIAGE OF

_____,'

and

Case No. _____

Court No. _____

_____,'

ORDER FOR MEDIATION

NOW ON THIS ___ DAY OF _____, 19___, the above captioned matter comes on before the Court ex parte on the Motion to Enforce Visitation filed by _____. The Court finds that the matter should be referred for mediation, as provided by law, before:

Notice of the time and place of the mediation shall be given by the mediator to the parties.

The mediator is directed to submit a summary of the parties understanding to the Court within five days after it is signed by the parties. Upon receipt of the summary, the Court will enter an order in accordance with the parties agreement or set a time and place for hearing on the matter, which will not be more than ten days after the summary is received.

IT IS FURTHER ORDERED that if mediation is terminated pursuant to K.S.A. 1985 Supp. 23-604 that the mediator shall report the termination to the Court within 5 days after the termination. Upon receipt of the report, the cause shall be set for hearing not more than ten days after the mediator's report of termination is recieved.

District Judge
Court No. ____

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

IN THE MATTER OF THE MARRIAGE OF

and

Case No. _____
Court No. _____

ORDER ON VISITATION

NOW, ON THIS ___ day of _____, 19___, the above captioned matter comes on for hearing before the court on the motion to enforce visitation.

The non-residential parent appears in person and pro se. The residential parent appears (in person and pro se) (not and does otherwise default.) Other appearances are as follows:

The Court, having reviewed the file, having heard the statements of the parties and the evidence FINDS as follows:

_____ 1. The visitation rights of one parent HAVE NOT been unreasonably denied or interfered with by the other parent and that the motion should be denied.

OR

_____ 2. The visitation rights of one parent HAVE been unreasonably denied or interfered with by the other parent. The non-residential parent, therefore, shall:

_____ (a) Have visitation with the minor child(ren) as provided in the divorce decree.

_____ (b) Have visitation with the minor child(ren) as provided by this amendment to the divorce decree as follows:

_____ (c) Be compensated for the visitation denied or interfered with, which time shall be of the same type (e.g., holiday, weekday, weekend, summer) as that denied or interfered with and shall be at the convenience of the parent whose visitation was denied or interfered with as follows:

____ (d) (other) _____

The court further finds and requires:

____ (e) the _____ to post a bond, either cash or with sufficient sureties, in the sum of \$ _____, conditioned upon compliance with the order granting visitation rights.

____ (f) the assessment [of reasonable attorney fees in the sum of \$ _____ and] costs of proceedings to enforce visitation rights against the parent who unreasonably denied or interfered with the other parent's visitation rights.

____ (g) the attendance of one, _____, or both parents at counseling or educational sessions which focus on the impact of visitation disputes on children.

____ (h) (other) _____

IT IS THEREFORE BY THE COURT ORDERED that the above findings be incorporated and made a part hereof, and they hereby are, the ORDER of the Court.

District Judge
Court No. ____

Non-residential Parent

Residential Parent

THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

Office of the Court Administrator

Courthouse

Olathe, Kansas 66061

913-782-5000

Court Administrator
Lewis R. Lewis

Administrative Assistants
Peggy Mann
Janice Johnson

December 3, 1986

The Hon. Herbert W. Walton
Administrative Judge
10th Judicial District
Court House
Olathe, KS 66061

RE: Court Administrator Report Concerning
The State of the Judiciary Message

Dear Judge Walton,

It is with pleasure that I submit for your consideration the Court Administrator Report concerning the State of the Judiciary Message.

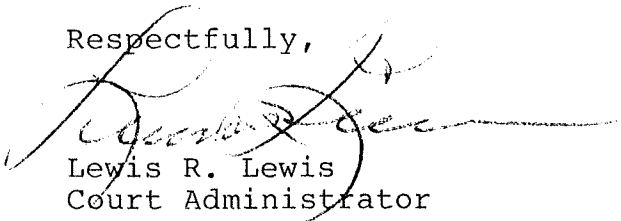
The purpose of the report is to provide information to assist you in acquainting the public, the Johnson County Legislative Delegation, the Board of County Commissioners, and the Johnson County Bar Association with the activities of the 10th Judicial District.

This has been another action-packed year. We have experienced many legislative changes and innovations that have impacted our court system. We have also been appropriately involved with the Board of County Commissioners and the Executive Branch in general in it's good work.

I think the significant occurrence in Johnson County (10th Judicial District) concerns the rapid growth in population and in numbers of attorneys. In the pages that follow, we have tried to provide our readers with sufficient information to be advised of and feel a part of the activities of this District. If anyone wishes additional information on any item covered in this message, a quick phone call would suffice.

Pulling this information together, assembling and writing has been a rather heavy project. Grateful appreciation is extended to Mr. Michael S. McLain, Director of Court Services, Mrs. Lova Duncan, Chief Clerk, Mr. Donald Amrein, Court Trustee, Mrs. Peggy Mann, Office Manager, and the other members of my office, either directly or indirectly, who have made this message possible.

Respectfully,



Lewis R. Lewis
Court Administrator

STATE OF KANSAS
TENTH JUDICIAL DISTRICT
(Johnson County, Kansas)
STATE OF THE JUDICIARY REPORT

Table of Contents

| <u>Report</u> | <u>Page</u> |
|--|-------------|
| Structure | 1 |
| Distinguished Federal Bench | 3 |
| Distinguished Retired Judges | 3 |
| Administrative Judge | 3 |
| Current Court Assignment | 5 |
| 10th Judicial District Nominating Commission | 5 |
| Default Divorces | 6 |
| New Civil Court Rules | 6 |
| 1986 Domestic Relations Guidelines | 7 |
| Probate Law Modification Handout | 7 |
| Attorney's Fees | 7 |
| Board of Indigent Defense Services | 7 |
| Transfer to Minors | 8 |
| Legitimization Hearings | 8 |
| Criminal Appointments in Federal Courts | 9 |
| Grasp | 9 |
| Jury Management | 10 |
| Small Claims | 10 |
| Office of Judicial Administration | 10 |
| Supervisory Training | 11 |
| Non-Judicial Training | 11 |
| Population Growth | 11 |
| Attorneys | 12 |
| Sedgwick County | 12 |
| Residential Growth | 12 |
| Budgets | 12 |
| Report of Chief of the District Court | 13 |
| Dismissal List | 15 |
| Service By Mail | 15 |
| Rule 115 | 16 |
| Computer Entries | 16 |
| Johnson County Court Trustee | 16 |
| Job Sharing | 17 |
| Educational Exchange | 17 |
| Internal Education | 17 |
| Computer Aided Transcription | 18 |
| CASA | 18 |
| Bicentennial Celebration | 19 |
| Register of Deeds | 19 |
| Court Services (Introduction) | 20 |
| Family and Youth Services | 21 |
| Juvenile Detention Services | 23 |
| Adult Services | 24 |
| Court Services Administration | 25 |
| Congratulations | 27 |

| | |
|--------------------|----|
| Non-Judicial Staff | 29 |
| Helpful Hints | 30 |
| Summary | 30 |

A D D E N D U M

| | |
|---|----|
| Civil & Criminal Pending | 31 |
| Civil & Criminal Terminations | 32 |
| Civil & Criminal Filings | 33 |
| Pending Cases (State Totals) | 34 |
| Case Terminations (State Totals) | 35 |
| Case Filings (State Totals) | 36 |
| Case Filings (State Totals - 1982 through 1986) | 37 |
| Case Terminations (State Totals -1982 through 1986) | 38 |
| Pending Cases (State Totals - 1982 thorough 1986) | 39 |
| Civil and Criminal Case Filings by Judicial Dist. | 40 |
| Civil and Criminal Case Terminations by Jud. Dist. | 41 |
| Civil and Criminal Pending Cases by Judicial Dist. | 42 |

B A R G R A P H S

| | |
|--|----|
| Money Collected by Adult Services | 43 |
| Adult Services 1986 Work Flow | 44 |
| Juvenile Services Workload | 45 |
| Juvenile Hall Workload | 47 |
| Map of Kansas (Judicial District of Kansas) | 48 |
| DEMOGRAPHICS OF JOHNSON COUNTY, KANSAS (Courtesy of United Community Services of Johnson County and U.S. Censur) | 49 |
| Map of Johnson County | 50 |
| Kansas City Area Population | 51 |
| Increase in Ages 75 +/Median Ages of Residents | 52 |
| Minorities/Births | 53 |
| Educational Level | 54 |
| Household Incomes | 55 |
| Poverty Levels | 56 |
| Registered Voters | 57 |
| Registered Voters by Party | 58 |

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STATE OF THE JUDICIARY REPORT

1. STRUCTURE: Court unification began with the passage of the Judicial Department Reform Act of 1965. In 1972, the citizens of Kansas spoke again when they resoundingly voted yes to adopt a new Judicial Article, opening the way for a broad range of improvements in the courts at both local and appellate levels.

The court, the legislature, the legal profession, and citizens groups have worked together to develop the court system as presently structured..

a. Civil Department: There are eight (8) Judges presently assigned to the Civil Department. They handle all types of cases other than criminal, juvenile and probate. A few examples are: divorce cases; automobile accidents; contracts; consumer claims; appeals from small claims court; and review of administrative actions.

(1) Hon. Herbert W. Walton: District Judge, Division I; Administrative Judge, Tenth Judicial District. Past President of Kansas District Judges' Association. Member, Judicial Council, Chairman Kansas Pattern Jury Instructions, Civil and Criminal; Chairman Family Law Advisory Committee. Adjunct Faculty Member, National Council of Juvenile and Family Court Judges. Chairman, Governor's Commission of Child Support Enforcement.

(2) Hon. G. Joseph Pierron: District Judge, Division III. District Committee for Boy Scouts. Board of Kansas Committee for Prevention of Child Abuse. Chairman, Olathe Blood Association. District Court Liaison Judge to Chief Clerk. Chairman of Law Library Trustees. Chairman of the Rules Committee of the District Court.

(3) Hon. Phillip L. Woodworth: District Judge, Division No. V. Kansas Legislature for two terms. Chairman for One Day/One Trial Committee.

(4) Hon. Marion W. Chipman: District Judge, Division VI. Past candidate for Attorney General. Member S.O.A.B. Final Committee of three to Kansas Court of Appeals. Chairman, Civil JOCOURTS Computerization System of the District Court.

(5) Hon. Janice D. Russell: Associate District Judge, Position No. 1. Treasurer of Johnson County Substance Abuse Services, Inc.; Charter member and past vice president of Johnson County Business Women; former secretary and program chairman, Johnson County Bar Association.

(6) Hon. James W. Bouska: Associate District Judge, Position No. 3. Former District Attorney of Johnson County. Former County Attorney for Republic County. Past President, Johnson County Bar Association. Past Attorney General candidate.

(7) Hon. Larry McClain: Associate District Judge, Position No. 4. Former First Assistant District Attorney for Johnson County. Scout Master and active with youth soccer and baseball.

(8) Hon. Janette Howard: Associate District Judge, Position No. 7. First female on the District Bench of Johnson County. Chairman, Law Clerk Selection and Tenure for District Court. Member of Law Library Trustees.

b. Criminal Department: There are four(4) Judges presently assigned to the Criminal Department. They handle preliminary hearings; trials in criminal cases and appeals from Municipal Courts. They are also responsible for traffic infractions. They had many complex and difficult criminal trials in fiscal year 1985.

(1) Hon. William G. Gray: District Judge, Division IV. Past President, Johnson County Bar Association. Former member, Kansas Corporation Commission.

(2) Hon. Earle D. Jones: Associate District Judge, Position No. 2. LL.M Degree in Criminal Law and Procedures. ABA First Place Award while Municipal Judge of Overland Park, Kansas. Rosedale High Alumni Distinguished Graduate. Sub-Committee Criminal Law, Kansas Judicial Council.

(3) Hon. Robert G. Jones: Associate District Judge, Position No. 6. Past President of Kansas District Judges Association. Chairman, Fair Trial/Free Press Committee.

(4) Hon. Gerald L. Hougland: Associate District Judge, Position No. 8. Kansas Legislature two terms. Chairperson of Court for Bail Release and Recognizance.

c. Probate Department: There is one Judge presently assigned to the Probate Department. He handles probate proceedings, mental illness and adoptions.

(1) Hon. Sam K. Bruner: District Judge, Division No. II. Past President Greater Kansas City Area Phi Delta Theta (1500 members). Departmental Administrative Judge for Special Court Department. Sub-Committee Probate Law, Kansas Judicial Council.

d. Juvenile Department: There is one Judge presently assigned to the Juvenile Department. He handles all offenses committed by Juveniles 18 and under as categorized under Child in Need of Care and Juvenile Offender.

(1) Hon. Bill E. Haynes: Associate District Judge, Position No. 5. Member Task Force on Permanency Planning for Juveniles of Kansas Supreme Court. Chairman, Mediation, National Council of Juvenile and Family Court Judges.

2. DISTINGUISHED FEDERAL BENCH: We are very proud and pleased that three members of the Johnson County Bar Association are members of the Federal Judiciary.

a. Hon. James K. Logan: Judge, Tenth Circuit Court of Appeals. Past Dean, School of Law, University of Kansas. Past President, Johnson County Bar Association. Co-Author, Supplement to Logan & Martin, Kansas Corporate Practice published by the Kansas Bar Association.

b. Hon. Earl E. O'Connor: Chief Judge, United States District Court for Kansas. Past President, Johnson County Bar Association. Former Justice of the Kansas Supreme Court. Former District Court Judge, Johnson County, Kansas.

c. Hon. Gerald L. Rushfelt: U.S. Magistrate for the District of Kansas. President, Johnson County Bar Association; International Society of Barristers; American Board of Trial Advocates.

3. DISTINGUISHED RETIRED JUDGES:

a. Hon James H. Bradley: Former District Judge, Division II. Former County Attorney of Johnson County. Very active in Boy Scouts of America. Past President, Johnson County Bar Association.

b. Hon. Clayton Brenner: Former District Judge. Past President of the Johnson County Bar Association.

c. Hon. Spencer A. Gard: Former District Judge. Lenexa Historical Society. Author; Missouri Evidence. Kansas Code of Civil Procedure, Jones on Evidence, and many research articles.

d. Hon. Harold L. Hammond: Former District Judge. Past President, Johnson County Bar Association.

e. Hon. Lewis C. Smith: Former District Judge. Administrative Judge for six years. Fellow, American College of Trial Lawyers. Fellow, International Association of Insurance Council.

4. ADMINISTRATIVE JUDGE: The Hon. Herbert W. Walton, Administrative Judge, was appointed to the Bench in November of 1960 as Probate Judge pro tem prior to serving his first term as the elected Probate Judge on January 13, 1961. He was appointed District Judge, Division No. 1, On October 5, 1965 from a panel of three nominees submitted by the Johnson County Bar Association to Governor William Avery. He was subsequently elected three more times before the nonpartisan selection of judges promulgated by the voters on Kansas in 1976.

Judge Walton was appointed Administrative Judge of the 10th Judicial District of Kansas on December 27, 1984, by appointment of the Kansas Supreme Court.

In addition to his regular judicial duties, Judge Walton is the official spokes person for the Court. He has general control over the assignment of cases within the district, and is responsible for and has general supervisory authority over the clerical and administrative functions of the Court. He also supervises the fiscal affairs of the Court.

Judge Walton is a member of the Kansas Judicial Council. The Council is the progressive thinkers and innovative suggestion makers for improving the administration of justice. The Council does its work through advisory committees. There are currently eleven functioning advisory committees. Judge Walton is chairman of three of the eleven advisory committees: The Family Law Advisory Committee; The PIK Civil Advisory Committee, and the PIK Criminal Advisory Committee.

He has been recognized and honored many times over the years, including his selection to the panel of three for Supreme Court. He was first runner up for the National Judge of the Year for the NRFSEA, and organization headquartered in Des Moines, Iowa. He presently chairs the Governor's Commission on Child Support Enforcement and he is a very popular speaker.

CURRENT COURT ASSIGNMENTS:

| <u>COURT</u> | <u>JUDGE</u> | <u>ADM. ASSISTANT</u> | <u>REPORTER</u> |
|--------------|----------------|-----------------------|-------------------------------------|
| 1 | 5460-Walton | 5461-C. Newman | 5462-V. Kunkel |
| 2 | 5564-Bruner | 5548-C. Crane | 5532-D. Brown |
| 3 | 5472-Pierron | 5473-M. Zeller | 5471-G. Craig |
| 4 | 5583-Gray | 5594-L. Pruett | 5260-D. Miller |
| 5 | 5474-Woodworth | 5365-M. Pritzel | 5274-R. Vinlove |
| 6 | 5470-Chipman | 5466-S. Boyer | 5498-D. Norman |
| 7 | 5455-Russell | 5456-D. Miller | 5457-T. Rutledge |
| 8 | 5582-E. Jones | 5586-M. Paulsen | 5261-T. Gourley |
| 9 | 5581-Bouska | 5584-L. Didion | 5595-C. Anderson |
| 10 | 5465-McClain | 5463-S. King | 5464-P. Unrein |
| 11 | 5390-Haynes | 5394-E. Ruggles | 5393-K. Wall C. Hill |
| 12 | 5495-R. Jones | 5496-S. Meiners | 5497-R. Brumback |
| 13 | 5494-Howard | 5493-C. Steele | 5467-L. Hicks |
| 14 | 5491-Hougland | 5492-S. Bartee | 5467-B. Connell 5469-K. Waggoner |

10TH JUDICIAL DISTRICT NOMINATING COMMISSION:

Non-Lawyer Members:

| | |
|---------------------------------|--------------------|
| Paul S. McKie (By Franklin) | Expires March 1988 |
| Phillip Hammond (By Lingle) | Expires March 1990 |
| Dr. Duard W. Enoch (By Crippin) | Expires March 1990 |
| Robert B. Worley (By Leick) | Expires March 1988 |
| Kevin K. Nunnick (By Craig) | Expires March 1988 |

Lawyer Members:

| | |
|---------------------|--------------------|
| Keith Martin | Expires March 1990 |
| Stuart D. Michelson | Expires March 1988 |
| David R. Gilman | Expires March 1988 |
| Timothy J. Turner | Expires March 1988 |
| J. Eugene Balloun | Expires March 1988 |

DEFAULT DIVORCES:

It has been a little over a year since we have addressed our default divorce schedule. In an effort to be more accommodating to the Bar, the Judges of the Civil Department are scheduling default divorces, as follows:

| | |
|--------------------------|-------------------------|
| Court 1, Judge Walton | Thursdays at 1:00 P.M. |
| Court 3, Judge Pierron | Thursdays at 1:00 P.M. |
| Court 5, Judge Woodworth | All days at 9:30 A.M. |
| Court 6, Judge Chipman | Thursdays at 1:00 P.M. |
| Court 7, Judge Russell | Wednesdays at 1:30 P.M. |
| Court 9, Judge Bouska | Thursdays at 1:00 P.M. |
| Court 10, Judge McClain | Per request of attorney |
| Court 13, Judge Howard | Per request of attorney |

NEW CIVIL COURT RULES:

The New Civil Court Rules for the 10th Judicial District have been approved.

Some of the changes in the new rules which may be of interest to you are as follows:

New Rule No. 3 requires attorneys to provide their Supreme Court Registration Number along with other identifying information on all pleading.

New Rule No. 13 requires counsel wishing to file motions for orders compelling discovery to confer or make other reasonable efforts to resolve the dispute and to file a certificate of compliance with this requirement before the Court will entertain such motion.

Rule 13 also attempts to clarify K.S.A. 7-104 by stating that local counsel shall be required to appear at the taking of depositions unless by prior order of the Court where it appears that counsel's presence will not be necessary.

New Rule no. 16 requires in all actions tried upon the facts to the Court that the parties submit to the Court proposed Findings of Fact and Conclusions of Law, unless waived by the Court.

New Rules No. 25 and 26 set out procedures for mediation and parental education in divorce actions involving child custody issues.

New Rule No. 32 requires attorneys presenting an order of judgments to the Court to set out the amount of the original judgment sum and separately set out the amount claimed as interest on the judgment particularly detailing pre and post-judgment amounts and the interest rate and time periods that are claimed to be applicable.

Note: The Civil Bench/Bar Committee, under Chairman **John Vratil**, will conduct on-going review of the rules for their improvement. **Judge Pierron** has been assigned civil court rules drafting responsibility by his fellow judges.

1986 DOMESTIC RELATIONS GUIDELINES:

Johnson County Bar Association members may obtain copies of the up-dated Domestic Relations Guidelines at the Johnson County Law Library or from the Johnson County bar Association Office. The cost of this booklet will be \$5.00 to members and \$10.00 to non-members. The booklet will be available after May 7, 1986. Please stop by the Law Library or call Linda Coffee, 649-2803 to obtain your copy.

PROBATE LAW MODIFICATION HANDOUT:

The Probate Bench and Bar Committee have prepared a handout regarding changes in Probate Law.

ATTORNEY'S FEES:

The Judges of the Tenth Judicial District have set a ceiling on all misdemeanor attorney's fees of \$300.00 as of July 19, 1985. Should your fee exceed \$300.00 you will need a Motion showing special circumstances and an Affidavit signed by the assigned Judge in order for this to be paid.

BOARD OF INDIGENT DEFENSE SERVICES:

The State Board of Indigents' Defense Services has been forced to adopt an allocation formula for prorating payments to appointed attorneys in certain high-cost counties. Johnson County Has been designated as a high-cost county. The allocation for Johnson County is \$196,226 for fiscal year 1987, which is a reduction of around \$9,000 or approximately 4 per cent from the prior year.

The Board has identified eleven target counties that had a pattern of exceeding the statewide average cost per claim. The Board conducted a five-year study that took into consideration the following: seriousness of offenses in these counties; the average costs per claim in each of the target counties as compared to the state as a whole; and the number of offenses that occurred in each of the target counties. We have a significant increase in litigation and this will have an effect upon the allocation. (K.S.A. 22-4522 (a) and K.S.A. 22-4507 (c)).

TRANSFER TO MINORS -

UTMA CUSTODIAL ACCOUNT IN LIEU OF CONSERVATORSHIP:

The 1985 Kansas Legislature passed the Uniform Transfer to Minors Act, effective July 1, 1985, and as a result a custodial account under this Act can be used in lieu of a conservatorship for minors in a wide range of circumstances. In addition to allowing transfers to a custodial account by gift, or to beneficiaries under a Will or Trust, the Act also allows transfers to such an account by "obligers". As a result, this provision may be very useful in cases where recovery under a lawsuit goes to a minor, and a conservatorship would otherwise be required. This can be particularly important in cases where the amounts involved do not justify the additional expense that a conservatorship can create. Under the new Act there is no limitation on the type of property that can be transferred to such an account. If a custodian has previously been nominated, an unlimited dollar amount can be transferred to that person. If no such person is available, then a transfer can be made to an adult member of the minor's family or a trust company as long as the property does not exceed \$10,000 in value.

LEGITIMIZATION HEARINGS:

Legitimization hearings formerly provided by the Probate Court will now be provided by the Court Trustee, as directed by Judge Walton, the Administrative Judge, Chapter 157, of the 1986 Session Laws.

Whenever the parents of a minor child desire that the child's birth certificate be amended to add the name of a parent, correct the name of either parent or of the child or change the child's last name to that of either parent, both parents shall appear before a judge of the District Court or a hearing officer authorized by rule of the Supreme Court to accept voluntary acknowledgements of parentage. The parents shall execute affidavits in the presence of the judge or hearing officer attesting to the fact that each is a parent registration of the child.

If the judge or hearing officer finds in the affirmative, the judge or hearing officer shall forward both parents' affidavits to the state registrar of vital statistics, together with a certified order to prepare a new birth registration in the manner provided by K.S.A 1985 Supp. 38-1128 and amendments thereto and to seal the affidavits, court order and original birth certificate and allow inspection of them only as provided therein. No fee shall be charged for the performance of this service. No case file will be opened in the District Court, nor will any record be made by the court of the performance of this act.

NOTE: We have four or five of these hearings a month.

CRIMINAL APPOINTMENTS IN FEDERAL COURT:

The U.S. District Court has revised its local Rule 35 to provide a new procedure for putting together a panel of attorneys available for appointment to represent indigent defendants in criminal cases. Applications are now being solicited from attorneys who wish to be on the panel. To receive appointments in Federal criminal cases 18 U.S.C Section 3006(a) and Local Rule 35 of the U.S. District Court set out the guidelines for representation of indigent defendants. In the District of Kansas 75% of the indigent defendants will be represented by the Federal Public Defender and 25% of such defendants will be represented by CJA (Criminal Justice Act) panel attorneys.

The compensation for lawyers appointed from the CJA panel has recently been raised to \$60.00 per in-court hour and \$40.00 per out-of-court hour as more specifically set out in the statute and local Rule previously cited.

To be eligible for listing in the panel applicants must be members in good standing of the bar, of the U.S. District Court and must have demonstrated experience in and knowledge of Federal criminal law, Federal Rules of Criminal Procedure and the Federal Rules of Evidence. Applications for membership as a CJA Panel attorney may be obtained from the Honorable Gerald L. Rushfelt, U.S. Magistrate, Federal Building, 812 North Seventh Street, Kansas City, Kansas, 236-3716. Applications submitted will be considered by a panel selection committee consisting of Judge Dale E. Saffels and the Honorable Gerald L. Rushfelt. Lawyers interested are urged to return completed applications to the Magistrate by December 1, 1985. You can also call Linda Coffee at 649-2803 to receive an application.

GRASP:

General Responsibilities as Separating Parents is now a reality. This new rule of the 10th Judicial District requires that all parents in divorce and separate maintenance proceedings in which there are minor children shall be required to attend an educational class provided by the Johnson County Mental Health Center -- unless waived for good cause shown by the presiding judge.

Classes will be conducted every Tuesday morning from 9:00 A.M. to 11:00 A.M on the 8th Floor of the Johnson County Courthouse. No divorce or separate maintenance action involving minor children shall proceed to final hearing until there has been compliance with this order -- unless waived for good cause shown by the presiding judge.

Each ex parte order in domestic relations proceedings having minor children shall contain the following provisions:

"IT IS FURTHER ORDERED that it is in the best interests of the minor children of the parties to this action that the parents attend one educational class on General Responsibilities As Separating Parents, (GRASP). The classes will be conducted by the Johnson County Mental Health Center in the hearing room of the Board of County Commissioners on the 8th Floor of the Courthouse in Olathe, Kansas. The classes will be scheduled each Tuesday morning from the hour of 9:00 A.M. to 11:00 A.M. with registration to precede the class at 8:30 A.M. The parents shall be responsible for registering for the class immediately preceding the class presentation and pay the charges for the class. The expense may be taxed as costs in the action by the presiding judge."

The parties will be required to sign a certificate of attendance that will be accumulated by the Mental Health Center and be filed with the Clerk of the Court reflecting that attendance was fulfilled by the parents.

JURY MANAGEMENT:

In January, 1981, the Judges of the Tenth Judicial District adopted the system of "One Day or One Trial" jury term. This means that prospective jurors are summoned for a certain date and, if not selected as jurors for a trial on that date, they are excused and have fulfilled their obligation for the statutory one-year period. Those selected as jurors must serve the duration of that trial and then are excused. This plan provides a better juror. The business owner or the busy executive with multiple responsibilities are reluctant to be obligated for two or three weeks from the job. We have recently added a call-in system whereby the judges can call a certain number at night and over the weekend and the jury manager can access that information from any outside phone and then she in turn can call another number and change the message on the jury phone. All jurors are instructed to call after 5:00 P.M. on Sunday evening for instructions. This new system seems to be working very well.

SMALL CLAIMS:

For the past several years, we have averaged 80 to 90 small claims being filed each month. With the new increase in jurisdiction from \$500 to \$1,000 and the increase in number of allowed filings per year from 5 to 10, our small claims filings jumped to 165 the first month under the new law passed by the 1986 Legislature. That number has subsided somewhat. We do not know what lies ahead at this time.

OFFICE OF JUDICIAL ADMINISTRATION

The Kansas Supreme Court, through the Office of Judicial Administration, has been very helpful over the past years by conducting training seminars and developing service manuals on most subjects encountered on a daily basis in the Districts. In

addition to day-to-day direction and assistance, the OJA has been the precipitation force in developing: Personnel Rules; Legislative Coordination; Statistical Legitimacy; including the Time Standards; Productivity Reviews; Public Relations; including the Employee Newsletter, Cameras in the Courtrooms and Law Related Education; Visiting Magistrate Programs; Jury Standards and Guidelines; Microfilm Standards and Guidelines; Standardization in Pre-Sentence Reports, Child Custody Investigations, JJIS, the Clerk's Advisory Council, and others.

SUPERVISORY TRAINING:

We have twenty-two (22) Non-Judicial Supervisors here in the Tenth Judicial District. We are into our fifth year of supervisor training. Supervisors must possess: Sound judgment and the ability to think ahead and manage change; Mission Orientation; Technical Competence; Uncompromising Standards and Moral and Spiritual Courage. This training has been very beneficial.

NON-JUDICIAL TRAINING:

It is impossible to send all non-judicial personnel to training out of town at the same time. However, we can bring the training to town with supervisors tending the shops on a temporary basis. Last year we brought two PHD's from Wichita State University, for a one-day comprehensive presentation on Handling Difficult People. Forty-Two Johnson County court employees and 40 court employees from other jurisdictions participated in the training. We are extremely pleased with the success of this training effort. At this time, we are planning another training session for non-judicial employees, but have not worked out the details.

POPULATION GROWTH:

When Judge Walton took the bench twenty-five (26) years ago, our population in Johnson County was 143,762. Today that population has grown to 306,876 as follows:

| | | | |
|---------------|--------|-----------------|---------|
| Countyside | 380 | Mission Woods | 224 |
| DeSoto | 2,195 | Olathe | 46,762 |
| Edgerton | 1,326 | Overland Park | 89,178 |
| Fairway | 4,677 | Prairie Village | 24,141 |
| Gardner | 2,747 | Roeland Park | 7,926 |
| Lake Quivira | 1,149 | Shawnee | 29,947 |
| Leawood | 14,482 | Spring Hill | 2,050 |
| Lenexa | 23,364 | Westwood | 1,757 |
| Merriam | 11,205 | Westwood Hills | 457 |
| Mission | 8,549 | Townships | 30,391 |
| Mission Hills | 3,974 | TOTAL | 306,876 |

This means that for each year he has been on the bench the population of Johnson County has increased by 6,524 people. Some

years the increase has been greater and some years the increase has been less. But, the average for each of those twenty-five years has been an increase of 6,524. This means that Johnson County has now reached the magical figure of 300,000. By doing so, we are now contained within some of the special legislation created for Sedgwick County.

ATTORNEYS:

Twenty-five (25) years ago we had fifty-five (55) attorneys practicing in Johnson County. Today that figure has increased to 1,219 active and 118 inactive attorneys. There are 6,226 active attorneys and 1,375 inactive attorneys in the State of Kansas. This means that over twenty (20%) percent of attorneys practicing in Kansas are practicing here in Johnson County.

These figures do not take into account the 236 candidates who passed the State Bar Examination in July and who will be sworn-in on September 30, 1986. Johnson County will surely receive its fair share of these new attorneys.

In May of 1986 the attorney population of Johnson County was 936 -- according to the printout of the Kansas Supreme Court. This means that we will gain over 300 attorneys in Johnson County in the six month period beginning May 1986.

SEDGWICK COUNTY:

Now that we have mentioned Sedgwick County, you may be interested to know that today Sedgwick County has 1,211 active attorneys and 69 inactive attorneys. We now have more attorneys practicing in Johnson County than in Sedgwick County.

RESIDENTIAL GROWTH:

It does not stop there. Seventy-five (75%) per cent of new home construction in Kansas for the fiscal year being considered was erected in Johnson County.

Think for a moment of the new mechanic's lien law passed by the 1986 Legislature (CH 217). A quick check of a few of the larger cities in Johnson County indicates to us that we have a potential of 1,400 additional papers being filed each day on the new mechanic's lien laws which will be effective January 1, 1987.

BUDGETS:

Four (4) budgets are administered through my office: Courts - General, Trustee, Juvenile Detention Home and Coroner. These budgets are funded by the taxpayers of Johnson County through the Board of County Commissioners.

a. The Courts - General Budget is underspent at this time by nine (9) percent.

b. The Court Trustee Budget is underspent at this time by two (2) percent.

c. The Juvenile Detention Home Budget is underspent at this time by two (2) percent. However, with major repairs and a high daily population this may change dramatically.

d. The Coroner Budget is Underspent at this time by nine (9) percent. Our responsibilities to the Coroner ends with the appointment of the Coroner and the approval of appointed Deputies. Budget assistance is a gratuity from the court system.

Note: KSA 20-349 provides that after the budgets are settled they fall within the preview of the Administrative Judge, subject to the perimeters of said budgets. However, we have now progressed into zero category balancing. In other words, in addition to being confined by the perimeters, we have progressed further into category accountability. When a category has been deleted, we either transfer funds from another category or relinquish the expense. This provides for more intelligent planning and budgeting the following year.

REPORT OF CHIEF CLERK OF THE DISTRICT COURT

Traffic Department has had an increase in traffic tickets being filed in 1986. The cases filed have grown from a total of 7,928 to 8,790 as of September 30, 1986. This is a marked increase over the number in the past three years.

The civil data base is undergoing a conversion to a new system. We have spent considerable time reviewing our programming and have upgraded the civil area - eliminating some unnecessary steps and adding some needed features. With the assistance of the data department, a judge, the clerk and chief deputy, the dismissal list procedure was revamped. It should enable the courts to realize a savings of \$20,000+ annually as well as making the information more readily available to each attorney. Each attorney receives only a list of cases that pertain to him.

One of our employees in the accounting department devised a witness information card. This card contains information as to the time the witness may expect to be paid for their appearance, as well as names and phone numbers of those people who can assist them if they have a question. This has cut back on telephone calls and should avoid some of the confusion for witnesses.

Our investment accounts, which consist of certificates of deposit, a money market account and the super now checking account, brought in \$14,096.18 in interest for the months of August and September, 1986. This money is forwarded to the State Treasurer.

Our receipts for FY 1985, not including probate-juvenile area totaled \$8,269,999.19. For FY 1986 they ere higher-\$9,831,233.04 (a 19% increase). Much of this money comes to us in small amounts, many receipts for \$10.00 and under.

The Clerk's department has been a participant in the Olathe North High School Program called "Community Service". This service allows us to have a student in our office from 1:15 to 3 P.M each school day for a learning/working experience. The Clerk's office is expected to give the student as broad a spectrum of the business world as possible. This year the student is assigned to the bookkeeping department and continues to work for us form 3 to 5 P.M. as a paid temporary employee. We feel the office has benefited as much or more than the student. The 1985-86 student in our office became a full time employee upon graduation from high school.

In our civil processing department we are responsible for handling work on appealed cases. In 1985 we had 85 cases to prepare and handle until the case was called for by the Clerk of the Appellate Court. Through September of this year we have handled 117 cases. As you know one case may have several mailing before it is finally sent to Topeka. One appeal was in a case that contains 23 case files. The initial table of contents was well over 1,000 pages.

Even though we have a District Court Trustee's office, the Clerk's office has see a marked increase in work as a result of the new federal and state laws in regard to support. Our office is responsible to keeping various detailed statistics, as well as processing the support papers. Through quarterly time studies, we have found that one and one-half persons are needed just to do support.

The Archives area located at the Industrial Airport has undergone some renovation. The building which was originally a cold storage area for the Navy was given to the Courts for record storage purposes. Offices, hallways, and storage areas have been cleaned and painted by the employee who works there in order for it to be more pleasant and cleaner.

We are in the process of developing a computer system in the probate-juvenile area. We have studied systems in other areas and spent considerable time in search of prepared juvenile programs. We must go on line in order to handle our volume.

The data department has set up a program for the Mechanics Liens. On January 1, 1987, Notice of Intent to Perform documents will be filed under this same category. The program should enable us to handle our expected increase in volume. Building in Johnson County is at an all time high. We could have a considerable increase in filings in this category.

The law library personnel among other duties handle and maintain the registration of attorneys. As of November 1, 1986, 813 attorneys have paid their library registration fee which allows them to file cases and papers in the Clerk's office. A total of 750 attorneys registered in the year 1980. The assets for the library allow this judicial district to maintain an excellent library which is housed in the courthouse.

The courts have a visiting Magistrate Judge to assist this district with 61 cases, traffic, criminal, probate and juvenile matters on Thursday and Friday of most weeks. The Clerk's department furnishes an employee to assist this Judge in traffic court commencing at 10 A.M. and continuing through the rest of the day each Thursday. Another clerk assists the Judge on "Aid in Execution" matters. Even though the clerk is in court from 30 minutes to an hour each Thursday, we will work with attorneys and put information into the computer up to one-half day. This, of course, takes these people away from their work stations.

I feel we utilize our personnel to the utmost. As in any group, you will have volunteers who are always willing to do more and those who only do the minimum. The Clerk's department is getting into a very serious condition because of lack of personnel and space. It has a decided effect on Morale.

DISMISSAL LIST:

We have effected a new procedure for dismissal list. Although each judge can address dismissal of cases at any time, we do have two formal dismissals a year. Through some additional programming and computer procedures, each dismissal list contains only the cases of one attorney. This new procedure has been met with much appreciation from the Bar. This new procedure saves the taxpayers over \$21,000 per year.

Many thanks to Judge Russell, Lova Duncan and Doris Dougan for this new procedure. Special thanks to Paul Stewart with DSA for his expertise

SERVICE BY MAIL:

The Sheriff's Office received 3,600 new papers to serve in October! To ease the crunch in the Sheriff's Office, all attorneys are reminded that Kansas now allows for service by mail in both Chapter 60 and 61 cases. K.S.A 61-1806 - as amended by House Bill 2455 in 1985 Session Laws, Chapter 198, page 954. A careful reading of the statute indicates it was intended to apply to Chapter 60 as well as 61 cases.

The statute contains the Notice and Acknowledgement form. You simply take this form to the Clerk's Office with your Petition and obtain a summons. The summons, Notice and Acknowledgement form and Petition are mailed first class mail to

the Defendant who has twenty (20) days in which to return the Notice form. If the Defendant refuses to return the form, he is required to pay any expenses incurred by alternate service. When the form is returned, it is filed with the Court and is the equivalent of a return of summons.

This method of service really works and usually saves time and paperwork for all involved. Everyone is encouraged to please use service by mail where possible. If there are any questions, the Clerk's office has copies of the statute and forms available at the counter.

RULE 115:

Rule 115 of the Rules of the Supreme Court of Kansas require acknowledgement as opposed to verification or the use of jurat. To not do so may delay your proceedings.

COMPUTER ENTRIES:

For the past several years, we have had 600 to 800 computer entries each day regarding chapter 60 and chapter 61 cases. In the past six months, that figure has increased and it is not unusual to have 1,000 to 1,200 computer entries each day in chapter 60 and chapter 61 cases.

JOHNSON COUNTY COURT TRUSTEE

New Federal and State legislation has intensified public awareness of the needs, problems and solutions of addressing child support payment compliance.

The tools provided with the new laws have resulted in certain degrees of success. In the first seven months of 1986 receipts were \$9,944,359. This is an increase of 35% over the first seven months of 1985, in which \$7,362,824 was collected. Seventeen million is projected for 1986 compared to collections for 1985 of \$12,600,000.

The Court Trustee staff is now composed of the Trustee, the office manager, two part-time attorneys, an investigator and fifteen staff positions. The transfer of authority from the District Attorney and from S.R.S, coupled with additional available resources, required five new staff positions to be added in January 1986.

The Court Trustee is able to collect, distribute and enforce the child support orders because of sophisticated on-line computerization. State-of-the-art office machinery and equipment is utilized to efficiently receive about 6,500 payments a month and, in turn, to mail the 6,500 distributions required to recipients. The fee to defray expenses of operation of the office has been held to 2%, the same as it was in 1972 when the office first opened. Federal financial participation through

S.R.S. contributes about 35% of the operating budget expenditures. The approved budget for 1987 is \$554,000. The office remains self-supporting.

The current time study audit reflects that 48% of staff time is in the area of 4-D cases. The U.S. Congress has now given its attention to non-welfare families, resulting in this substantial increase in 4-D activity. The total active case load now numbers about seven thousand-five hundred.

The office is moving forward with expedited processes. Thus far about 10% of active cases have been placed with income withholding procedures. This activity is to be strongly emphasized as the support collection device of the future. It will become common throughout the country for all wage earners. The Court Trustee experience with employer cooperation has been exceptional and extremely successful.

The Johnson County Court Trustee will be conducting much of the establishment, modification and enforcement of support activity by means of summary hearings by Hearing Officers. This is authorized by Supreme Court Rule and Johnson County Court Rule. The Hearing Officer procedure will result in a diversion of the demands of many hours of judicial time away from judges.

JOB SHARING

Job sharing, the opportunity for two people to share the same job, is a very viable alternative to losing qualified staff. This works especially well when there are young children in the home. Each employee receives half pay and mothers with small children can cooperate and work around most situations.

EDUCATIONAL EXCHANGE:

Since my last report, we have participated in an additional educational exchange with Jackson County, Missouri. Each supervisor agrees that this opportunity to confer with someone from another jurisdiction with the same responsibilities is an invaluable aid in their quest for excellence.

I would very much like to see some kind of educational exchange between the urban clerk's and the rural clerk's office. It is obvious that there is a great misunderstanding of the functions and responsibilities of the urban clerk's office by a number of the rural clerk personnel.

INTERNAL EDUCATION:

We have completed our fourth year of supervisor training. In addition, for the past three years we have focused special attention and training on our non-supervisor personnel, and it has been well received.

We also sent personnel out of the district for special training with the understanding they will share their newly acquired knowledge and expertise through individual tutoring and/or in-house seminars.

COMPUTER AIDED TRANSCRIPTION:

Computer Aided Transcription (CAT), the use of a computer to transcript court reporters' notes, has been implemented in Johnson County. The skill and judgment of the reporter still controls the quality of the final transcript while the computer adds the speed and precision to meet the increasing demands upon the courts. CAT used by official reporters offers greater productivity, benefiting court and counsel with the ability to provide daily copy, overnight transcripts and keyword indexing while adapting to the computerized world. Litigants, attorneys and courts will benefit by the official court reporters' involvement in the state of the art of their profession. In Johnson County, all court reporters are now computerized via the CAT system.

COURT APPOINTED SPECIAL ADVOCATES (CASA) AND THE ATTORNEY GUARDIAN AD LITEM

In 1985, the Kansas Code for Care of Children was amended to include authorizing appointment of a Court Appointed Special Advocate (CASA) to work in conjunction with the attorney Guardian ad litem in Child in Need of Care cases. "The CASAs primary duties shall be to advocate the best interests of the child and assist the child in obtaining a permanent.....placement:"

The project is jointly sponsored by The Greater Kansas City Section, National Council of Jewish Women and the 10th. District Court. Judge Herbert Walton and Judge Bill Haynes not only urged the formation of a CASA project in Johnson County but have offered enthusiastic support as has District Attorney Dennis Moore.

Chief Justice Albert Schroeder proposed and has vigorously supported a statewide CASA program as has the Governor's Task Force on Permanency Planning.

After being assigned to a case by the court, the CASA, working in the best interests of the child, conducts a thorough, independent investigation, reports his/her findings to the court with recommendations and may be called as a witness. In addition, the CASA remains with the case until he/she is dismissed by the court.

CASA provides carefully screened and well trained volunteers to assist the GAL (Guardian Ad Litem) with interviews of the child, parents, school and social workers, medical counseling professional and other persons to help make necessary in depth assessments. The critical difference a CASA may make lies in the

fact that they will be working on only one case at a time.

By conducting independent investigations, CASAs augment the efforts of the SRS, who are often encumbered with heavy caseloads. SRS must assess the entire family and is charged with providing services to them all. CASAs are only concerned with the best interest of the child.

Attorney GALs may request the court to assign a CASA to any child in need of care case. Johnson County CASA are ready and anxious to respond to your needs.

For more information, contact Leigh Klein, Project Director, Family and Youth Services Building, Olathe, KS., 782-2303.

Betty L. Barnett, N.C.J.W., is Johnson County Project Chair

We now have 39 active CASAs in Johnson County.

BICENTENNIAL CELEBRATION:

In 1987 we will be celebrating the Bicentennial of the U.S. Constitution. Dick Seaton is the State Chairman and Judge Pierron is the coordinator for the Johnson County Bar Association. Anyone interested in being involved should contact Judge Pierron at 782-5000.

The Johnson County Board of County Commissioners has established a Bicentennial Committee. The Honorable G. Joseph Pierron has been selected Chairman of that Committee.

REGISTER OF DEEDS:

We have an excellent working relationship with the Executive Branch of Johnson County Government. Ruby M. Scott, Register of Deeds conducts work sessions which are a study of documents (Warranty Deeds, Mortgages, Contracts, Leases, UCC's and so forth) filed in the Register of Deeds office.

The sessions last approximately two hours with fifteen persons per session and will be on a first come, first serve basis. Sessions begin at 8:45 A.M which includes a special U.C.C. session.

COURT SERVICES

Introduction

The workload increases experienced in 1985 have continued thru calendar year 1986. All Court Services Divisions have pursued new programs to enhance their services to District Courts and the public they serve. With the exception of new personnel for Juvenile Hall, recommended by the County Administrator's Office and funded by the Johnson County Board of Commissioners, Court Services has made due with existing personnel.

The new child care positions for Juvenile Hall couldn't have come at a more critical time. Daily population averages during three months of this year actually exceeded the facilities capacity.

Unfortunately, the Kansas Legislature has not funded personnel request for additional Court Services Officers despite substantial documentation of need, coupled with continuing increases in referrals. The silver lining to this dilemma is the creativity of our personnel to find new resourceful ways of delivering services; discarding less valuable activities to perform more essential duties; and networking with community resources to see clients receive needed services.

One significant activity under way in each of the service divisions is the development of risk and need assessment tools. Risk and Need assessments are instruments used to measure a probation client's needs (treatment issues) and their propensity to commit further law violation (risk to the public). The use of such a tool is very new in Kansas and is now receiving serious consideration to be implemented statewide. We are on the "cutting edge" in Kansas.

Also in the past year, Court Services has made major strides in codification of major policies and procedures to be utilized locally. Mr. Mike McLain, Bill Smith, Tom Tush, and Jerry Jacobson have spent several hours in the formulation, review, and revision of policies and procedures. These recommendations have been forwarded to Court Administrator Lewis R. Lewis, and Administrative Judge Herbert W. Walton.

All of the above individuals, and the personnel they supervise, have been steadfastly committed to working with Community Corrections personnel to have a successful integration of new community based corrections programs. Despite an unprecedented upswing in adult and juvenile crime in Johnson County, the program has experienced a fair amount of success getting restarted.

Detailed in the next paragraphs some of the individual and collective accomplishments of our Court Services personnel.

Family and Youth Services

Juvenile Section

Several individuals distinguished themselves over the past year. At the Fall Conference of the Kansas Association of Court Services Officers, Mark Steiner was selected as the outstanding Court Services Officer in the State of Kansas. Mark has worked extremely hard developing and delivering intensive probation services for younger adolescent youths in an effort to curb serious acting out behavior before such behavior causes serious delinquent offenses. This is a fairly unique approach in intensive supervision.

Rise Haneberg was selected as the "outstanding graduate student" at the Kansas University Regency Center in Overland Park. Rise completed the requirements and received a master's degree in public administration. In addition to this educational accomplishment, Rise was appointed by Judicial Administrator, Howard Schwartz, to serve a two year term on the Court Services Officer Advisory Board. This board advises the Office of Judicial Administration and Kansas Supreme Court on matters of importance to Court Services Officers.

Melinda Queen and Carla Hannah developed a "street law" program targeted for youths who have had minor law violations and are not exhibiting serious behavioral problems. This effort provides juveniles a great deal of educational instruction about the law, in terminology they can understand. Done in a class setting, it also releases other staff to provide individual counseling to youths more in need of such services. This is a tremendous asset to our service capabilities, and maximizes staff resources.

Kent Kelso has been instrumental in the development and ongoing delivery of alcohol services to youths. Thru Kent's efforts and community work, Family and Youth Services now has an Alcohol Anonymous for youths on probation. This is a valuable contribution, in that many youths do not adjust to such programs involving predominantly adults.

When Family and Youth Services began looking for a risk and needs assessment instrument for juveniles, they somewhat disappointed to find that no such instrument was in existence. Phil Morgan agreed to take on the task and developed an instrument. Since Phil began this project, other juvenile risk and need assessment instruments have been located. However, to Phil's credit, the Family and Youth staff believe Phil's work product is superior to other developed tools.

Juvenile referrals in 1986 are running 22% ahead of the referral pattern in 1985. We now project over 1,650 referrals will come to the attention of the Juvenile Section of the District Court in 1986, compared to 1,256 in 1985. The recidivism rate for 1986 is 34% compared to a very low 29% in 1985. These figures may suggest that despite the additional efforts of individual and collective staff, the workload is out stripping our personnel resources.

Domestic Services

It was reported last year that our Domestic Services, under the supervision of Gary Kretchmer, was in the very beginning of providing mediation services. The number of court orders pertaining to child custody investigations, or mediation of child custody matters, have increased 27% over 1985. This unit has already received more referrals than in 1985.

| | Child Custody Orders | Mediation Orders | Total |
|------------------|----------------------|------------------|-------|
| 1985 (thru Oct.) | 82 | 112 | 194 |
| 1985 | 95 | 129 | 224 |
| 1986 (thru Oct.) | 96 | 151 | 147 |

It was the hope of this service unit, that the availability of mediation would reduce the number of child custody investigations. The data to date, doesn't support such hopes. Mediation does however show tremendous promise as an effective process to resolve child custody issues. The families have demonstrated a willingness to participate and negotiate differences. This lays the foundation to resolve subsequent issues should they arise, while minimizing inappropriate behavior which can be devastating to children.

Mediation Breakdown Since Jan. 1985

Reached Agreement
 133 - with staff help
 39 - following staff help
 15 - before staff help

Failed to Reach Agreement
 67 - no agreement
 10 - recommended for mediation

Even in circumstances where agreements are not obtained, staff report an improved dialogue between most of the parties regarding conflict resolution, which suggest the negotiating skills learned can have a carry over effect.

Our Court Services Department continues to be among the leaders in Kansas in the delivery of child custody investigations and mediation services.

Juvenile Detention Services

The Johnson County Juvenile Hall continues to experience an increase in its daily population of youth. In the first ten months of 1986 the daily population average has increase to 26.7 youths per day, up from 25.2 recorded in 1985, and the 19.9 figure in 1984. The data does show an increase in juvenile admissions, up nearly 5% compared to the same time frame a year ago, and a 24% increase compared to 1984.

The statistics also show there has been a decrease in the number of meals served and juvenile care days, which suggest that despite the increase n admissions and daily population averages, youths are leaving the facility after shorter stays, and Crossroads treatment participants are earning leave passes which reduces the population on weekends.

Crossroads, the Community Corrections funded program, is designed to deliver intensive therapeutic and correctional services to adolescent youths over a 90 day time frame. This project is directed by Dr. James Khalili, and the clinical program staff include Jean Dunn, Karen O'Hara, Barbara Ladd, and Jannell Williams. This program has had, and continues to have, a tremendous impact of the number of youths committed to the Kansas Youth Centers from Johnson County.

Certain individual staff members have made special contributions during the course of 1986. Andrea Fuentes and Jeff Leslie, Youth Advisors, worked with the detained youths over the summer to recreate scenes from classic films. The youths played all the roles, made scenery, and presented the program to numerous staff, parents and other family members. This project ocurred during the summer school break and did a great deal to challenge these youths in activities normally unavailable to them. This staff effort was obviously creative and ambitious.

Marilyn Wherry and Mark Robinson were instrumental in developing an Alcohol Anonymous program within the detention facility. Drug usage, and drug and alcohol dependencies are not uncommon among detained juveniles. This program effort is certainly transferable when youths leave Juvenile Hall to other A.A. programs, and is a critical piece to treating youths.

Starting in the later part of this year will be a new program pertaining to planned parenthood. A number of the youth detained in Juvenile Hall are sexually active and need educational instruction.

Juvenile Hall has a daily educational program which focuses on remedial education and G.E.D. preparation. Other student's work is coordinated with their parent school. The Olathe School District oversees education services under the administrative and instructional efforts of Mr. Ralph Pfeifer.

Juvenile Hall has implemented its own risk and need assessment. The focus on this assessment instrument is to identify youths who may be suicidal; as well as identifying youths who are more passive or aggressive; are more likely to be physically violent; who are more likely to be victimized by other youths; and identify youths who may act out sexually. The Juvenile Hall effort is also designed to provide staff with more information regarding the youths for the protection of all youths and staff.

Adult Services

Several measures have been taken to assist the Adult Services Division in performing their duties. With the assistance of the Johnson County Sheriff's Department (Lt. Walter Way specifically), Adult Services is to be tied into the ALERT computer system. This tie-in will place the office in direct contact with all metropolitan criminal justice users and to other law enforcement computer networks throughout the county. To have direct assess within the Adult Services Office will save numerous hours on the part of this department and the Sheriff's Office, while also increasing our usage of the system. All persons placed on probation by our criminal district courts will be entered into the ALERT system. Any subsequent arrest within the metropolitan area is reported back to Adult Service.

Also to expedite work efforts, nearly all Court Services Officers have computer terminals (CRT's) on their desk allowing them to assess the Clerk's criminal records, and eventually the criminal bookkeeping when it comes on line early next year.

Adult Services has also implemented the use of a Risk and Needs Assessment instrument. They are using an instrument first developed in the State of Wisconsin, but now being promoted by the National Institute of Corrections. This particular assessment has been implemented in seven states and numerous counties across the country and has been validated as a very reliable instrument. The State of Kansas is currently considering the very same model.

Adult Services continued its involvement with the academic world, providing the opportunity for college students to have field experiences through our intern program. Ilene Grunspan spearheads this effort for both Adult and Juvenile Services, receiving assistance from CSO Ann Altenbern, with Juvenile Services. Ilene, a student herself of the past few years, complete the requirements for a Mater's Degree in Social Work (MSW).

Court Services Officer Donna Hoener, has served the past year as an officer in the Kansas Association of Court Service Officers. Donna is the Nominations and Membership Chairwoman, a very big job with over 210 members throughout the State of Kansas.

There has been no diminishing of the workload in Adult Services. At the end of October, Adult Services reports supervision of 1,115 felons and 662 misdemeanor clients. They are supervising and monitoring restitution payments by 952 probationers. Through the first ten months of 1986 they have collected \$493,548.68 in restitution, court cost, and fines. Additionally they have prepared 447 felony pre-sentence investigations and 249 misdemeanor pre-sentence investigations within the first ten months.

Court Services Administration

At the administrative level of Court Services, we have been actively involved with the restart of Community Corrections. Mike McLain and Tom Tush have met monthly with Administrative Judge Herbert W. Walton, the criminal court department judges, Community Corrections administrative staff, and the Department of Corrections. Judge Walton and Mike McLain also serve on the Community Corrections Advisory Board.

Additionally Court Services has been meeting with Sheriff Fred Allenbrand, his administrative personnel and consultants, planning for the new jail coming on line in 1988, and searching for ways of reducing the jail population now and in the future. In a somewhat related topic, Court Services is assisting the Office of Judicial Administration is conducting a security audit of the Johnson County Courthouse.

For the next fiscal year Court Services has requested nine additional Court Services Officers. This number has been reduced to four by the Kansas Supreme Court because of the need for financial restraint. These positions are absolutely essential if we are to avoid further erosion of our services.

A time study prepared this year shows adult probation clients can receive, on the average, 31 minutes of direct CSO contact per month. Pre sentence investigations which should have a standard of 15 hours of investigation are being prepared with an average of nine hours. Child custody investigations, which have a 40 hours investigation standard, are receiving 33 hours. Juvenile probation clients can only receive, on the average, one hour of direct officer contact per month.

The decrease in the amount of time available to our increasing workload, points out why it is so important to have objective, measurable criteria in determining what clients are going to be seen, when, where and how often, and what services are going to be provided. This is why risk and needs assessment instruments are so important, and why they will become increasingly more important.

The workload volume is also one of the reasons for our efforts to codify our policies and procedures to maintain a posture of consistency throughout our service division.

Court Services has also been actively involved with the County in looking at future space needs. Recently, the future expansion needs of the Juvenile Hall and Family and Youth Services Office were considered in conjunction with a youth substance abuse treatment center, and expansion of the County Nursing Home. The Board of County Commissioners retained the services of Black & Veatch to assist this effort.

The Court Services Department will continually be on the alert to find ways to improve upon its abilities to provide the district courts comprehensive reports to assist them in their important decision making and offer structured, correctional, and mediation services to our court clients.

CONGRATULATIONS:

To the Honorable Herbert W. Walton for receiving the Distinguished Public Service Award from United Community Services at their recent annual meeting. Judge Walton was cited for his distinguished service to mankind. He was also declared the Man of the Year of 1986 by PAD (Phi Alpha Delta) Legal Fraternity.

To the Honorable G. Joseph Pierron for being recognized for his effort in developing the Kansas Family and Children's Trust Fund. Kansas was the first state to establish a fund specially earmarked to foster community based programs to prevent child abuse and neglect and other forms of family violence. Thirty-three other states have followed Kansas' lead and adopted Children's Trust Funds. He served as Analyst for National Institute of Justice to critique child abuse grants in Washington D.C.. He also serves on the Executive Committee of the Mediation and Arbitration Committee of the Family Law Section of the ABA. He is also on the Family Law and Alternative Dispute Resolution Committee of the KBA.

To the Honorable Sam K. Bruner for serving as presenter to the three Magistrates' Regional Training Sessions. Judge lectured extensively on HB 2050 and Adoptions.

To Judges Bouska, McClain and Russell for completing their resident course at the National Judicial College at Reno recently.

To Judges Pierron, Russell, Chipman, Bruner and Bouska for being selected to serve temporarily on the Court of Appeals.

To Mrs. Lova Duncan for being selected to serve on the Clerks' Advisory Board.

To Mr. Mark Steiner for being selected as the Court Service Officer One of the State of Kansas for 1986.

To Mrs. Rise Haneberg for being selected to serve on the Court Service Officer Advisory Board. She has recently acquired her MPA. She was also selected as the Outstanding Graduate Student at KU Regents Center.

To Mrs. Ilene Grunspan for receiving her Masters in Social Work (MSW).

To Mrs. Donna Hoener for being selected as Chairperson of Nominations and Membership of the 210 member Court Service Officer Association.

And, to Rod Lewis for being elected President of the Kansas Association of District Court Clerks and Administrators.

Note: Please refer to Court Services Section for further individual recognition.

NON-JUDICIAL STAFF:

The function of a non-judicial support staff is to support the activities of the judicial officers (judges) in their quest for appropriate and timely justice.

The activities of Court Services (adult and juvenile), the Clerk's Office (record keeping and bookkeeping) and the Court Trustee (child support and alimony) have been addressed separately in this report. Basically, you will note that all non-judicial functions of our court system are extremely overworked. Our workload in most instances doubles and triples the national standards.

In order to address this overburden, we have had to rely heavily on computerization. Computerization is essential and helpful, but there comes a time when you must have additional people. Our Kansas Supreme Court has requested additional non-judicial support personnel and that request is before the Kansas Legislature at this time. We urge your support.

In the meantime, we continue to meet daily in an effort to maximize the activities of our non-judicial support staff. Each day, we ask ourselves, "Is this activity really necessary, and if not, can we discontinue it?" Many functions have been eliminated since unification -- functions we wish we could continue.

We can safely say we have had our share of problems -- but we have been blessed with opportunities to solve most of them. We do this by trying to work smarter. We have tried to develop a knowledge worker within the court system, which equated to a knowledge culture. We employ participative planning so members of the work force can be involved in the planning. We exploit every opportunity. And, we have adopted the word synergism as best explaining our goals -- the product should be better than the sum of it's parts.

Your non-judicial support staff is hanging in there -- but, it needs some additional personnel.

HELPFUL HINT:

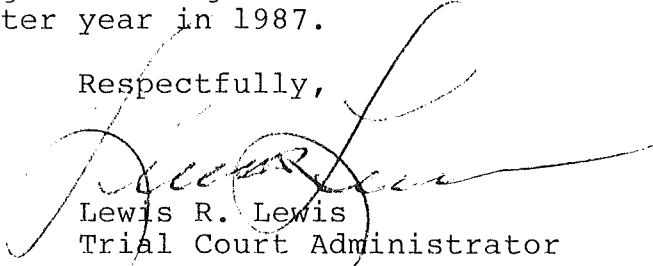
If you are contemplating relocation of your office or have done so recently, you should notify the following:

1. Kansas bar Association, P.O. Box 1037, Topeka, Kansas 66061
2. Kansas Legal Directory, P.O. Box 140200, Dallas, Texas 75214-0200
3. Clerk of the Johnson County District Court, P.O. Box 1600, Olathe, KS 66061
4. Clerk of the Wyandotte County District Court, 710 North 7th Street, Kansas City, Kansas 66101
5. Johnson County Bar Association, c/o Linda Coffee, 9300 Metcalf, Suite 1000, Overland Park, Kansas 66212
6. Wyandotte County Bar Association, c/o Law Library, 710 North 7th Street, Kansas City, Kansas 66101
7. Directory, The Kansas City Metropolitan Bar Association, 9th Street Level, Scarritt Place, 818 Grand, Kansas City, Missouri 64106
8. Martindale-Hubbell Directory, P.O. Box 1001, Summitt, New Jersey 07091
9. Post Office
10. Telephone company
11. Other Bar Associations

SUMMARY:

All in all we have had a good year. We continue to try to improve the delivery of our services to the people of Johnson County. We are severely handicapped at this time because of lack of personnel and the glut of legal business. However, I look forward to an even better year in 1987.

Respectfully,



Lewis R. Lewis
Trial Court Administrator

CIVIL AND CRIMINAL PENDING CASES
by
JUDICIAL DISTRICT

| <u>District</u> | <u>FY '85</u> | <u>FY '86</u> | <u>% of Change</u> |
|-----------------|---------------|---------------|--------------------|
| 1 | 1,071 | 1,131 | + 5.6 |
| 2 | 376 | 309 | -17.8 |
| 3 | 3,102 | 3,461 | +11.6 |
| 4 | 390 | 504 | +29.2 |
| 5 | 477 | 482 | + 1.0 |
| 6 | 409 | 533 | +30.3 |
| 7 | 757 | 814 | + 7.5 |
| 8 | 630 | 642 | + 1.9 |
| 9 | 549 | 566 | + 3.1 |
| 10 | 4,869 | 5,795 | +19.0 |
| 11 | 945 | 1,061 | +12.3 |
| 12 | 206 | 224 | + 8.7 |
| 13 | 479 | 509 | + 6.3 |
| 14 | 580 | 584 | + 0.7 |
| 15 | 398 | 390 | - 2.0 |
| 16 | 542 | 690 | +27.3 |
| 17 | 308 | 321 | + 4.2 |
| 18 | 6,707 | 6,862 | + 2.3 |
| 19 | 391 | 430 | +10.0 |
| 20 | 1,375 | 1,238 | -10.0 |
| 21 | 409 | 509 | +24.4 |
| 22 | 307 | 364 | +18.6 |
| 23 | 497 | 583 | +17.3 |
| 24 | 281 | 338 | +20.3 |
| 25 | 839 | 968 | +15.4 |
| 26 | 663 | 744 | +12.2 |
| 27 | 952 | 1,025 | + 7.7 |
| 28 | 421 | 438 | + 4.0 |
| 29 | 3,187 | 3,535 | +10.9 |
| 30 | 725 | 857 | +18.2 |
| 31 | <u>662</u> | <u>669</u> | + 1.1 |
| STATE TOTAL | 33,504 | 36,576 | + 9.2 |

CIVIL AND CRIMINAL CASE TERMINATIONS
by
JUDICIAL DISTRICT

| <u>District</u> | <u>FY '85</u> | <u>FY '86</u> | <u>% of Change</u> |
|-----------------|---------------|---------------|--------------------|
| 1 | 3,003 | 3,276 | + 9.1 |
| 2 | 1,730 | 1,455 | -15.9 |
| 3 | 10,402 | 12,739 | +22.5 |
| 4 | 1,979 | 1,943 | - 1.8 |
| 5 | 2,485 | 2,824 | +13.6 |
| 6 | 1,705 | 1,787 | + 4.8 |
| 7 | 2,678 | 2,795 | + 4.4 |
| 8 | 2,793 | 2,936 | + 5.1 |
| 9 | 1,306 | 1,469 | +12.5 |
| 10 | 12,201 | 13,045 | + 6.9 |
| 11 | 2,855 | 3,057 | + 7.1 |
| 12 | 913 | 1,049 | +14.9 |
| 13 | 1,870 | 1,845 | - 1.3 |
| 14 | 2,239 | 2,140 | - 4.4 |
| 15 | 1,156 | 1,447 | +25.2 |
| 16 | 2,319 | 2,128 | - 8.2 |
| 17 | 1,026 | 1,161 | +13.2 |
| 18 | 20,629 | 22,640 | + 9.7 |
| 19 | 1,477 | 1,625 | +10.0 |
| 20 | 3,367 | 4,397 | +30.6 |
| 21 | 1,743 | 2,026 | +16.2 |
| 22 | 963 | 1,080 | +12.1 |
| 23 | 1,739 | 1,938 | +11.4 |
| 24 | 1,027 | 1,060 | + 3.2 |
| 25 | 3,482 | 3,075 | -11.7 |
| 26 | 1,964 | 1,920 | - 2.2 |
| 27 | 3,123 | 3,303 | + 5.8 |
| 28 | 3,323 | 3,153 | - 5.1 |
| 29 | 15,628 | 16,376 | + 4.8 |
| 30 | 2,379 | 2,527 | + 6.2 |
| 31 | <u>2,235</u> | <u>1,996</u> | -10.7 |
| STATE TOTAL | 115,739 | 124,212 | + 7.3 |

CIVIL AND CRIMINAL CASE FILINGS
by
JUDICIAL DISTRICT

| <u>District</u> | <u>FY '85</u> | <u>FY '86</u> | <u>% of Change</u> |
|-----------------|---------------|---------------|--------------------|
| 1 | 3,126 | 3,252 | + 4.0 |
| 2 | 1,689 | 1,346 | -20.3 |
| 3 | 10,770 | 12,714 | +18.1 |
| 4 | 1,919 | 2,014 | + 5.0 |
| 5 | 2,523 | 2,805 | +11.2 |
| 6 | 1,642 | 1,812 | +10.4 |
| 7 | 2,591 | 2,813 | + 8.6 |
| 8 | 2,760 | 2,859 | + 3.6 |
| 9 | 1,456 | 1,509 | + 3.6 |
| 10 | 12,591 | 13,764 | + 9.3 |
| 11 | 2,766 | 2,969 | + 7.3 |
| 12 | 936 | 1,050 | +12.2 |
| 13 | 1,865 | 1,838 | - 1.4 |
| 14 | 2099 | 2,080 | - 0.9 |
| 15 | 1,210 | 1,389 | +14.8 |
| 16 | 2,167 | 2,252 | + 3.9 |
| 17 | 1,049 | 1,168 | +11.3 |
| 18 | 20,807 | 23,060 | +10.8 |
| 19 | 1,475 | 1,647 | +11.7 |
| 20 | 3,418 | 4,107 | +20.2 |
| 21 | 1,792 | 2,094 | +16.9 |
| 22 | 973 | 1,100 | +13.1 |
| 23 | 1,733 | 1,991 | +14.9 |
| 24 | 958 | 1,103 | +15.1 |
| 25 | 3,235 | 3,182 | -1.6 |
| 26 | 1,962 | 1,984 | + 1.1 |
| 27 | 3,262 | 3,396 | + 4.1 |
| 28 | 3,002 | 3,032 | + 1.0 |
| 29 | 14,944 | 16,533 | +10.6 |
| 30 | 2,438 | 2,546 | + 4.4 |
| 31 | <u>2,079</u> | <u>1,947</u> | - 6.3 |
| STATE TOTAL | 115,435 | 125,356 | + 8.6 |

PENDING CASES

STATE TOTALS

| | <u>FY '85</u> | <u>FY '86</u> | <u>% of Change</u> |
|---------------------|---------------|---------------|--------------------|
| <u>Civil</u> | | | |
| Domestic Relations | 7,235 | 7,150 | - 1.1 |
| Regular Civil | 12,014 | 12,943 | + 7.7 |
| Limited Action | <u>9,964</u> | <u>11,639</u> | +16.8 |
| Total Civil | 29,213 | 31,732 | + 8.6 |
| <u>Criminal</u> | | | |
| Felonies | 2,963 | 3,302 | +11.4 |
| Misdemeanors | <u>1,328</u> | <u>1,542</u> | +16.1 |
| Total Criminal | 4,291 | 4,844 | +12.8 |
| GRAND TOTAL | <u>33,504</u> | <u>36,576</u> | + 9.2 |

CASE TERMINATIONS

STATE TOTALS

| | <u>FY '85</u> | <u>FY '86</u> | <u>% of Change</u> |
|--------------------|----------------|----------------|--------------------|
| <u>Civil</u> | | | |
| Domestic Relations | 23,107 | 23,019 | - 0.4 |
| Regular Civil | 21,177 | 23,888 | +12.8 |
| Limited Action | <u>46,278</u> | <u>51,438</u> | +11.2 |
| Total Civil | 90,562 | 98,345 | + 8.6 |
| | | | |
| <u>Criminal</u> | | | |
| Felonies | 11,670 | 11,692 | + 0.2 |
| Misdemeanors | <u>13,507</u> | <u>14,175</u> | + 4.9 |
| Total Criminal | 25,177 | 25,867 | + 2.7 |
| | | | |
| GRAND TOTAL | <u>115,739</u> | <u>124,212</u> | + 7.3 |

CASE FILINGS

STATE TOTALS

| | <u>FY '85</u> | <u>FY '86</u> | <u>% of Change</u> |
|--------------------|----------------|----------------|--------------------|
| <u>Civil</u> | | | |
| Domestic Relations | 23,484 | 23,128 | -1.5 |
| Regular Civil | 22,316 | 25,117 | +12.6 |
| Limited Action | <u>47,319</u> | <u>53,396</u> | +12.8 |
| Total Civil | 93,119 | 101,641 | + 9.2 |
| | | | |
| <u>Criminal</u> | | | |
| Felonies | 10,470 | 11,111 | + 6.1 |
| Misdemeanors | <u>11,846</u> | <u>12,604</u> | + 6.4 |
| Total Criminal | 22,316 | 23,715 | + 6.3 |
| | | | |
| GRAND TOTAL | <u>115,435</u> | <u>125,356</u> | + 8.6 |

CASE FILINGS

STATE TOTALS

| | <u>FY '82</u> | <u>FY '83</u> | <u>FY '84</u> | <u>FY '85</u> | <u>FY '86</u> | <u>82-86 % of Change</u> |
|--------------------|----------------|----------------|----------------|----------------|----------------|----------------------------------|
| <u>Civil</u> | | | | | | |
| Domestic Relations | 26,073 | 23,138 | 23,152 | 23,484 | 23,128 | -11.3 |
| Regular Civil | 20,149 | 19,695 | 19,864 | 22,316 | 25,117 | +24.7 |
| Limited Actions | <u>41,602</u> | <u>41,923</u> | <u>43,661</u> | <u>47,319</u> | <u>53,396</u> | +28.3 |
| Total Civil | 87,824 | 84,756 | 86,677 | 93,119 | 101,641 | +15.7 |
| | | | | | | |
| <u>Criminal</u> | | | | | | |
| Felonies | 12,775 | 12,006 | 11,397 | 10,470 | 11,111 | -13.0 |
| Misdemeanors | <u>12,483</u> | <u>11,365</u> | <u>10,432</u> | <u>11,846</u> | <u>12,604</u> | + 1.0 |
| Total Criminal | 25,258 | 23,371 | 21,829 | 22,316 | 23,715 | - 6.1 |
| | | | | | | |
| GRAND TOTAL | <u>113,082</u> | <u>108,127</u> | <u>108,506</u> | <u>115,435</u> | <u>125,356</u> | +10.9 |

CASE TERMINATIONS

STATE TOTALS

| | <u>FY '82</u> | <u>FY '83</u> | <u>FY '84</u> | <u>FY '85</u> | <u>FY '86</u> | 82-86 % of Change |
|---------------------|----------------|----------------|----------------|----------------|----------------|-------------------------|
| <u>Civil</u> | | | | | | |
| Domestic Relations | 26,503 | 24,200 | 22,804 | 23,107 | 23,019 | -13.1 |
| Regular Civil | 19,332 | 20,165 | 20,678 | 21,177 | 23,888 | +23.6 |
| Limited Actions | <u>40,342</u> | <u>39,916</u> | <u>48,990</u> | <u>46,278</u> | <u>51,438</u> | +27.6 |
| Total Civil | 86,177 | 84,281 | 92,472 | 90,562 | 98,345 | +14.1 |
| <u>Criminal</u> | | | | | | |
| Felonies | 13,320 | 13,192 | 12,668 | 11,670 | 11,692 | -12.2 |
| Misdemeanors | <u>13,829</u> | <u>13,231</u> | <u>11,955</u> | <u>13,507</u> | <u>14,175</u> | + 2.5 |
| Total Criminal | 27,149 | 26,423 | 24,623 | 25,177 | 25,867 | - 4.7 |
| GRAND TOTAL | <u>113,326</u> | <u>110,704</u> | <u>117,095</u> | <u>115,739</u> | <u>124,212</u> | + 9.6 |

PENDING CASES

STATE TOTALS

| | <u>FY '82</u> | <u>FY '83</u> | <u>FY '84</u> | <u>FY '85</u> | <u>FY '86</u> | <u>82-86 % of Change</u> |
|--------------------|---------------|---------------|---------------|---------------|---------------|----------------------------------|
| <u>Civil</u> | | | | | | |
| Domestic Relations | 8,031 | 6,875 | 6,925 | 7,235 | 7,150 | -11.0 |
| Regular Civil | 13,253 | 12,332 | 11,092 | 12,014 | 12,943 | - 2.3 |
| Limited Actions | <u>13,957</u> | <u>15,047</u> | <u>9,070</u> | <u>9,964</u> | <u>11,639</u> | -16.6 |
| Total Civil | 35,241 | 34,254 | 27,087 | 29,213 | 31,732 | -10.0 |
| | | | | | | |
| <u>Criminal</u> | | | | | | |
| Felonies | 3,023 | 3,003 | 2,930 | 2,963 | 3,302 | + 9.2 |
| Misdemeanors | <u>1,199</u> | <u>1,248</u> | <u>1,207</u> | <u>1,328</u> | <u>1,542</u> | +28.6 |
| Total Criminal | 4,222 | 4,251 | 4,137 | 4,291 | 4,844 | +14.7 |
| | | | | | | |
| GRAND TOTAL | <u>39,463</u> | <u>38,505</u> | <u>31,224</u> | <u>33,504</u> | <u>36,576</u> | - 7.3 |

CIVIL AND CRIMINAL CASE FILINGS
by
JUDICIAL DISTRICT

| <u>District</u> | <u>FY '82</u> | <u>FY '83</u> | <u>FY '84</u> | <u>FY '85</u> | <u>FY '86</u> | <u>82-86 % of Change</u> |
|-----------------|---------------|---------------|---------------|---------------|---------------|----------------------------------|
| 1 | 2,955 | 2,847 | 2,846 | 3,126 | 3,252 | +10.1 |
| 2 | 1,580 | 1,505 | 1,582 | 1,689 | 1,346 | -14.8 |
| 3 | 10,389 | 9,750 | 9,115 | 10,770 | 12,714 | +22.4 |
| 4 | 2,637 | 2,671 | 1,856 | 1,919 | 2,014 | * |
| 5 | 1,685 | 1,802 | 2,312 | 2,523 | 2,805 | +66.5 |
| 6 | 1,492 | 1,438 | 1,424 | 1,642 | 1,812 | +21.4 |
| 7 | 2,784 | 2,807 | 2,722 | 2,591 | 2,813 | + 1.0 |
| 8 | 2,869 | 2,899 | 2,711 | 2,760 | 2,859 | - 0.3 |
| 9 | 1,346 | 1,334 | 1,282 | 1,456 | 1,509 | +12.1 |
| 10 | 11,714 | 10,806 | 10,773 | 12,591 | 13,764 | +17.5 |
| 11 | 4,203 | 4,208 | 2,902 | 2,766 | 2,969 | * |
| 12 | 1,052 | 979 | 906 | 936 | 1,050 | - 0.2 |
| 13 | 2,252 | 1,891 | 1,763 | 1,865 | 1,838 | * |
| 14 | 2,078 | 2,220 | 2,175 | 2,099 | 2,080 | * |
| 15 | 1,156 | 1,107 | 1,034 | 1,210 | 1,389 | * |
| 16 | 2,082 | 2,000 | 2,246 | 2,167 | 2,252 | + 8.2 |
| 17 | 911 | 990 | 994 | 1,049 | 1,168 | * |
| 18 | 23,064 | 21,227 | 20,853 | 20,807 | 23,060 | - .01 |
| 19 | 2,754 | 1,311 | 1,334 | 1,475 | 1,647 | * |
| 20 | 3,333 | 3,278 | 3,197 | 3,418 | 4,107 | +23.2 |
| 21 | 1,816 | 1,606 | 1,561 | 1,792 | 2,094 | +15.3 |
| 22 | 1,183 | 1,030 | 942 | 973 | 1,100 | - 7.0 |
| 23 | 1,718 | 1,623 | 1,731 | 1,733 | 1,991 | * |
| 24 | 962 | 937 | 1,059 | 958 | 1,103 | +14.7 |
| 25 | 2,612 | 2,578 | 2,950 | 3,235 | 3,182 | +21.8 |
| 26 | 1,976 | 1,867 | 2,018 | 1,962 | 1,984 | + 0.4 |
| 27 | 3,264 | 3,206 | 2,922 | 3,262 | 3,396 | + 4.0 |
| 28 | 3,137 | 3,039 | 3,019 | 3,200 | 3,032 | - 3.3 |
| 29 | 13,356 | 13,126 | 14,306 | 14,944 | 16,533 | +23.8 |
| 30 | 722 | 2,045 | 1,963 | 2,438 | 2,549 | * |
| 31 | | | 2,008 | 2,079 | 1,947 | * |
| STATE TOTAL | 113,082 | 108,127 | 108,506 | 115,435 | 125,356 | +10.9 |

*Redistricting does not permit the percentage of change in these districts to reflect an accurate comparison and therefore has been omitted.

CIVIL AND CRIMINAL CASE TERMINATIONS
by
JUDICIAL DISTRICT

| <u>District</u> | <u>FY '82</u> | <u>FY '83</u> | <u>FY '84</u> | <u>FY '85</u> | <u>FY '86</u> | 82-86 % of <u>Change</u> |
|-----------------|---------------|---------------|---------------|---------------|---------------|--------------------------------|
| 1 | 2,917 | 3,001 | 3,030 | 3,003 | 3,276 | +12.3 |
| 2 | 1,606 | 1,657 | 1,655 | 1,730 | 1,455 | - 9.4 |
| 3 | 10,539 | 10,773 | 9,431 | 10,402 | 12,739 | +20.9 |
| 4 | 2,740 | 2,672 | 1,909 | 1,979 | 1,943 | * |
| 5 | 1,783 | 1,854 | 2,337 | 2,485 | 2,824 | +58.4 |
| 6 | 1,591 | 1,551 | 1,473 | 1,705 | 1,787 | + 7.2 |
| 7 | 3,217 | 3,042 | 2,835 | 2,678 | 2,795 | -13.1 |
| 8 | 2,919 | 2,969 | 2,771 | 2,793 | 2,936 | + 0.6 |
| 9 | 1,409 | 1,397 | 1,381 | 1,306 | 1,469 | + 4.3 |
| 10 | 11,924 | 11,474 | 10,991 | 12,201 | 13,045 | + 9.4 |
| 11 | 4,480 | 4,191 | 3,076 | 2,855 | 3,057 | * |
| 12 | 1,087 | 1,040 | 934 | 913 | 1,049 | - 3.5 |
| 13 | 2,241 | 2,012 | 1,862 | 1,870 | 1,845 | * |
| 14 | 2,106 | 2,306 | 2,245 | 2,239 | 2,140 | * |
| 15 | 1,129 | 1,176 | 1,072 | 1,156 | 1,447 | * |
| 16 | 2,065 | 2,126 | 2,222 | 2,319 | 2,128 | + 3.1 |
| 17 | 988 | 977 | 1,000 | 1,026 | 1,161 | * |
| 18 | 21,722 | 21,530 | 24,153 | 20,629 | 22,640 | + 4.2 |
| 19 | 2,850 | 1,391 | 1,392 | 1,477 | 1,625 | * |
| 20 | 3,243 | 3,347 | 3,435 | 3,367 | 4,397 | +35.6 |
| 21 | 1,836 | 1,664 | 1,626 | 1,743 | 2,026 | +10.3 |
| 22 | 1,178 | 1,071 | 977 | 963 | 1,080 | - 8.3 |
| 23 | 1,697 | 1,792 | 1,673 | 1,739 | 1,938 | * |
| 24 | 933 | 974 | 1,075 | 1,027 | 1,060 | +13.6 |
| 25 | 2,402 | 2,640 | 2,940 | 3,482 | 3,075 | +28.0 |
| 26 | 1,857 | 1,968 | 1,931 | 1,964 | 1,920 | + 3.4 |
| 27 | 3,553 | 3,327 | 2,985 | 3,123 | 3,303 | - 7.0 |
| 28 | 3,410 | 3,189 | 3,190 | 3,323 | 3,153 | - 7.5 |
| 29 | 13,160 | 11,420 | 17,388 | 15,628 | 16,376 | +24.4 |
| 30 | 744 | 2,173 | 2,108 | 2,379 | 2,527 | * |
| 31 | | | <u>1,998</u> | <u>2,235</u> | <u>1,996</u> | * |
| STATE TOTAL | 113,326 | 110,704 | 117,095 | 115,739 | 124,212 | + 9.6 |

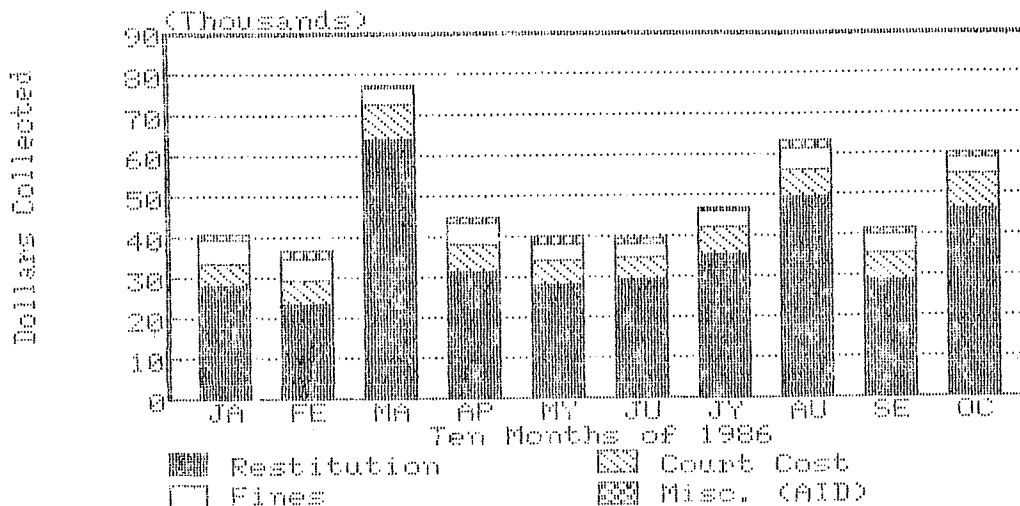
*Redistricting does not permit the percentage of change in these districts to reflect an accurate comparison and therefore has been omitted.

CIVIL AND CRIMINAL PENDING CASES
by
JUDICIAL DISTRICT

| <u>District</u> | <u>FY '82</u> | <u>FY '83</u> | <u>FY '84</u> | <u>FY '85</u> | <u>FY '86</u> | 82-86 % of <u>Change</u> |
|-----------------|---------------|---------------|---------------|---------------|---------------|--------------------------------|
| 1 | 1,058 | 924 | 866 | 1,071 | 1,131 | + 6.9 |
| 2 | 296 | 261 | 322 | 376 | 309 | + 4.4 |
| 3 | 3,165 | 2,663 | 2,542 | 3,102 | 3,461 | + 9.4 |
| 4 | 587 | 673 | 392 | 390 | 504 | * |
| 5 | 429 | 411 | 405 | 477 | 482 | +12.4 |
| 6 | 377 | 354 | 372 | 409 | 533 | +41.4 |
| 7 | 815 | 791 | 762 | 757 | 814 | - 0.1 |
| 8 | 623 | 664 | 634 | 630 | 642 | + 3.0 |
| 9 | 542 | 473 | 381 | 549 | 566 | + 4.4 |
| 10 | 4,632 | 4,203 | 4,184 | 4,869 | 5,795 | +25.1 |
| 11 | 1,397 | 1,493 | 872 | 945 | 1,061 | * |
| 12 | 198 | 184 | 160 | 206 | 224 | +13.1 |
| 13 | 810 | 523 | 446 | 479 | 509 | * |
| 14 | 640 | 679 | 667 | 580 | 584 | * |
| 15 | 300 | 312 | 292 | 398 | 390 | * |
| 16 | 617 | 556 | 652 | 542 | 690 | +11.8 |
| 17 | 209 | 241 | 268 | 308 | 321 | * |
| 18 | 10,619 | 10,127 | 6,540 | 6,707 | 6,862 | -35.4 |
| 19 | 431 | 390 | 348 | 391 | 430 | * |
| 20 | 1,037 | 1,241 | 1,149 | 1,375 | 1,238 | +19.4 |
| 21 | 419 | 384 | 335 | 409 | 509 | +21.5 |
| 22 | 320 | 289 | 277 | 307 | 364 | +13.8 |
| 23 | 481 | 365 | 462 | 497 | 583 | * |
| 24 | 333 | 311 | 325 | 281 | 338 | + 1.5 |
| 25 | 779 | 760 | 862 | 839 | 968 | +24.3 |
| 26 | 794 | 644 | 680 | 663 | 744 | - 6.3 |
| 27 | 1,154 | 1,058 | 815 | 952 | 1,025 | -11.2 |
| 28 | 422 | 408 | 381 | 421 | 438 | + 3.8 |
| 29 | 5,375 | 6,539 | 3,486 | 3,187 | 3,535 | -34.2 |
| 30 | 604 | 584 | 556 | 725 | 857 | * |
| 31 | | | <u>791</u> | <u>662</u> | <u>669</u> | * |
| STATE TOTAL | 39,463 | 38,505 | 31,224 | 33,504 | 36,576 | - 7.3 |

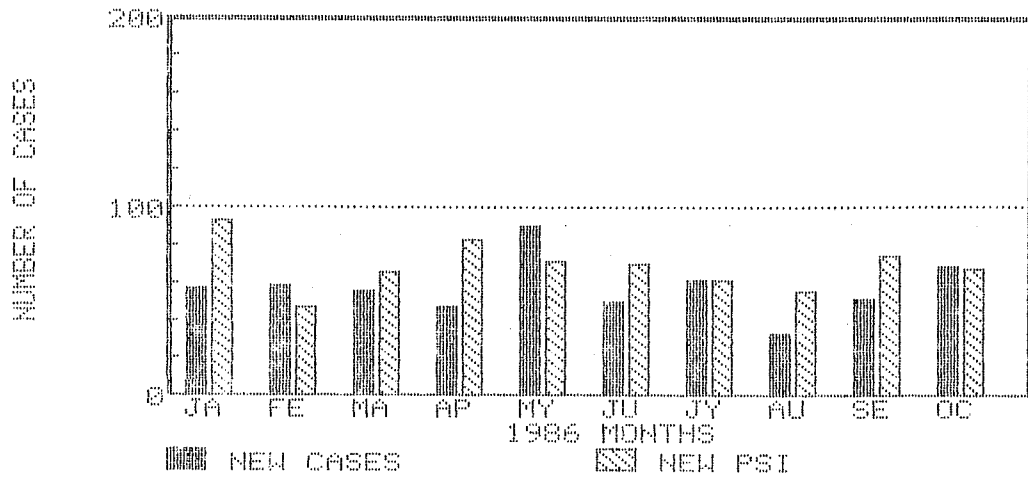
*Redistricting does not permit the percentage of change in these districts to reflect an accurate comparison and therefore has been omitted.

Money Collected by Adult Services



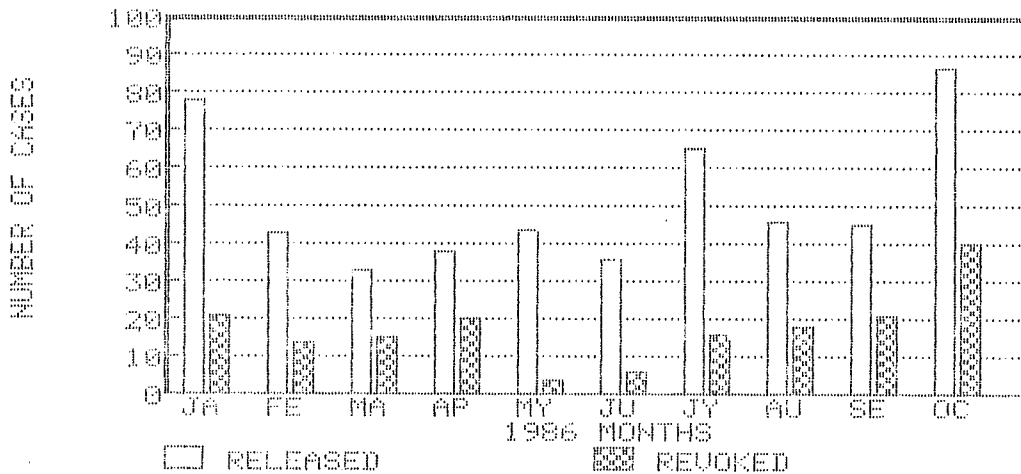
| | Restitution | Court Cost | Fines | Misc. (AID) |
|----|-------------|------------|---------|-------------|
| JA | 28271.91 | 5687.50 | 5937.43 | 1173.20 |
| FE | 23417.84 | 6518.92 | 4935.28 | 2215.56 |
| MA | 64187.96 | 8860.17 | 3832.40 | 781.72 |
| AP | 31557.68 | 6602.93 | 5382.67 | 1547.47 |
| MY | 28606.10 | 5518.50 | 4174 | 1836.40 |
| JU | 29889.24 | 4840.80 | 3916.94 | 1165.19 |
| JY | 35991.63 | 6584.21 | 3770.83 | 948.68 |
| AU | 49811.61 | 6288.42 | 5317.36 | 1968.45 |
| SE | 29234.77 | 6504.97 | 4568 | 995.40 |
| OC | 46198.95 | 8551.55 | 4504.50 | 1404.54 |

ADULT SERVICES 1986 WORK FLOW

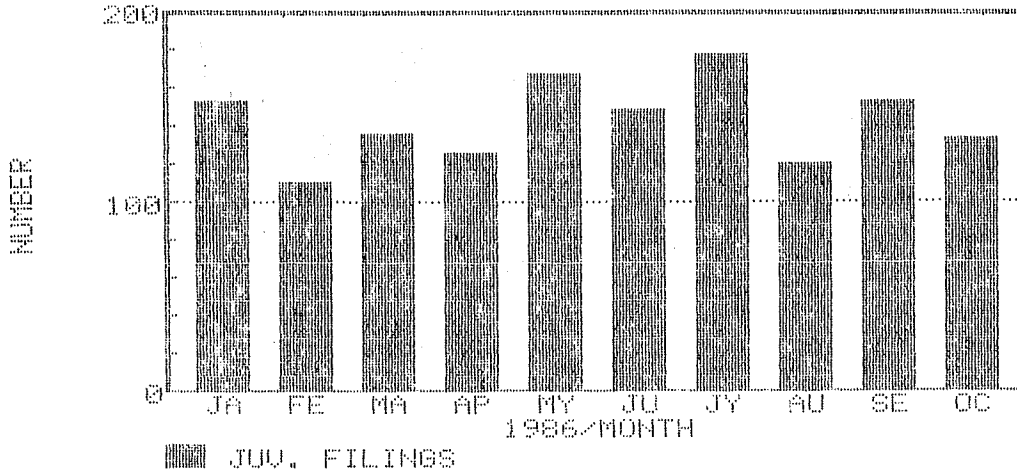


| | NEW CASES | NEW PSI | RELEASED | REVOKED |
|----|-----------|---------|----------|---------|
| JA | 58 | 93 | 78 | 21 |
| FE | 57 | 48 | 43 | 14 |
| MA | 56 | 67 | 33 | 15 |
| AP | 48 | 84 | 38 | 20 |
| MY | 91 | 72 | 44 | 4 |
| JU | 51 | 71 | 36 | 6 |
| JY | 62 | 62 | 65 | 16 |
| AU | 33 | 56 | 46 | 18 |
| SE | 52 | 75 | 45 | 21 |
| OC | 69 | 68 | 87 | 40 |

ADULT SERVICES 1986 WORK FLOW



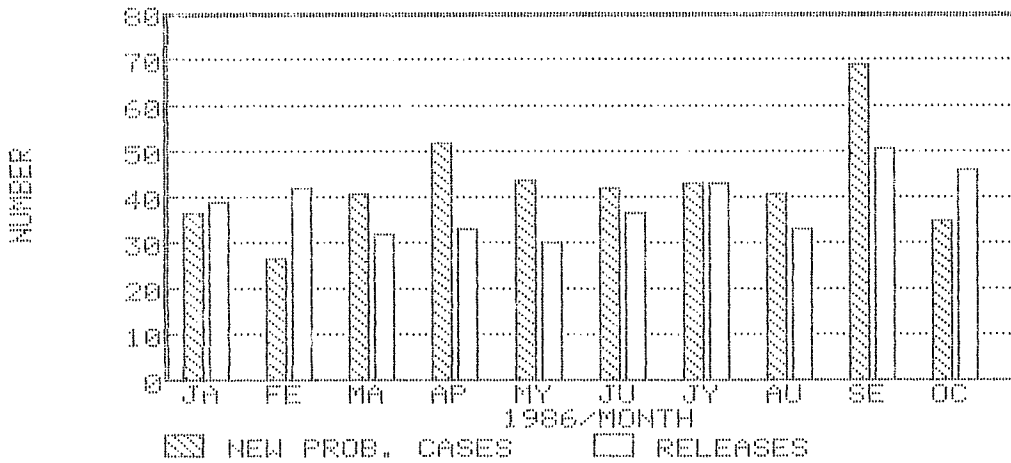
JUVENILE SERVICES WORKLOAD



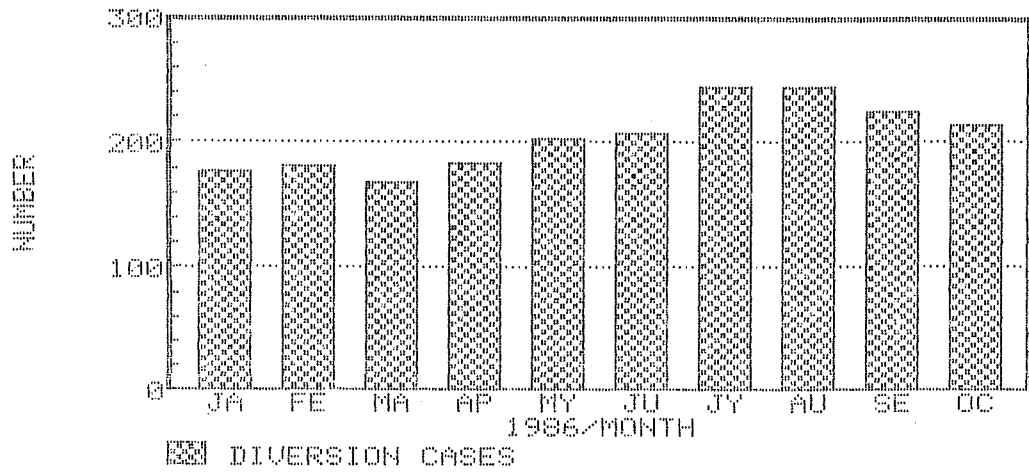
JUV. FILINGS NEW PROB. CASES RELEASES

| | | | |
|----|-----|----|----|
| JA | 153 | 37 | 39 |
| FE | 111 | 27 | 42 |
| MA | 137 | 41 | 32 |
| AP | 126 | 52 | 33 |
| MY | 168 | 44 | 30 |
| JU | 149 | 42 | 37 |
| JY | 178 | 43 | 43 |
| AU | 121 | 41 | 33 |
| SE | 154 | 69 | 51 |
| OC | 133 | 35 | 46 |

JUVENILE SERVICES WORKLOAD



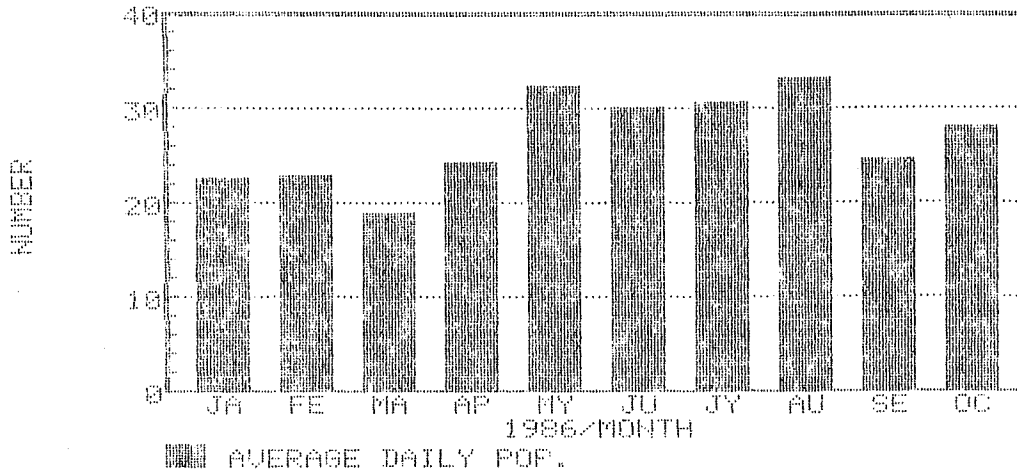
JUVENILE SERVICES WORKLOAD



DIVERSION CASES

| | |
|----|-----|
| JA | 177 |
| FE | 181 |
| MA | 168 |
| AP | 184 |
| MY | 204 |
| JU | 208 |
| JY | 245 |
| AU | 244 |
| SE | 225 |
| OC | 214 |

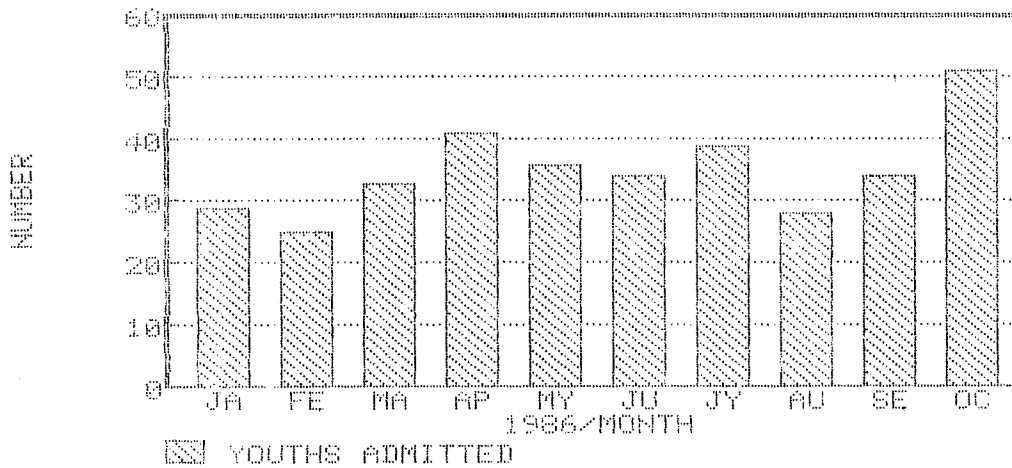
JUVENILE HALL WORKLOAD



AVERAGE DAILY P YOUTHS ADMITTED

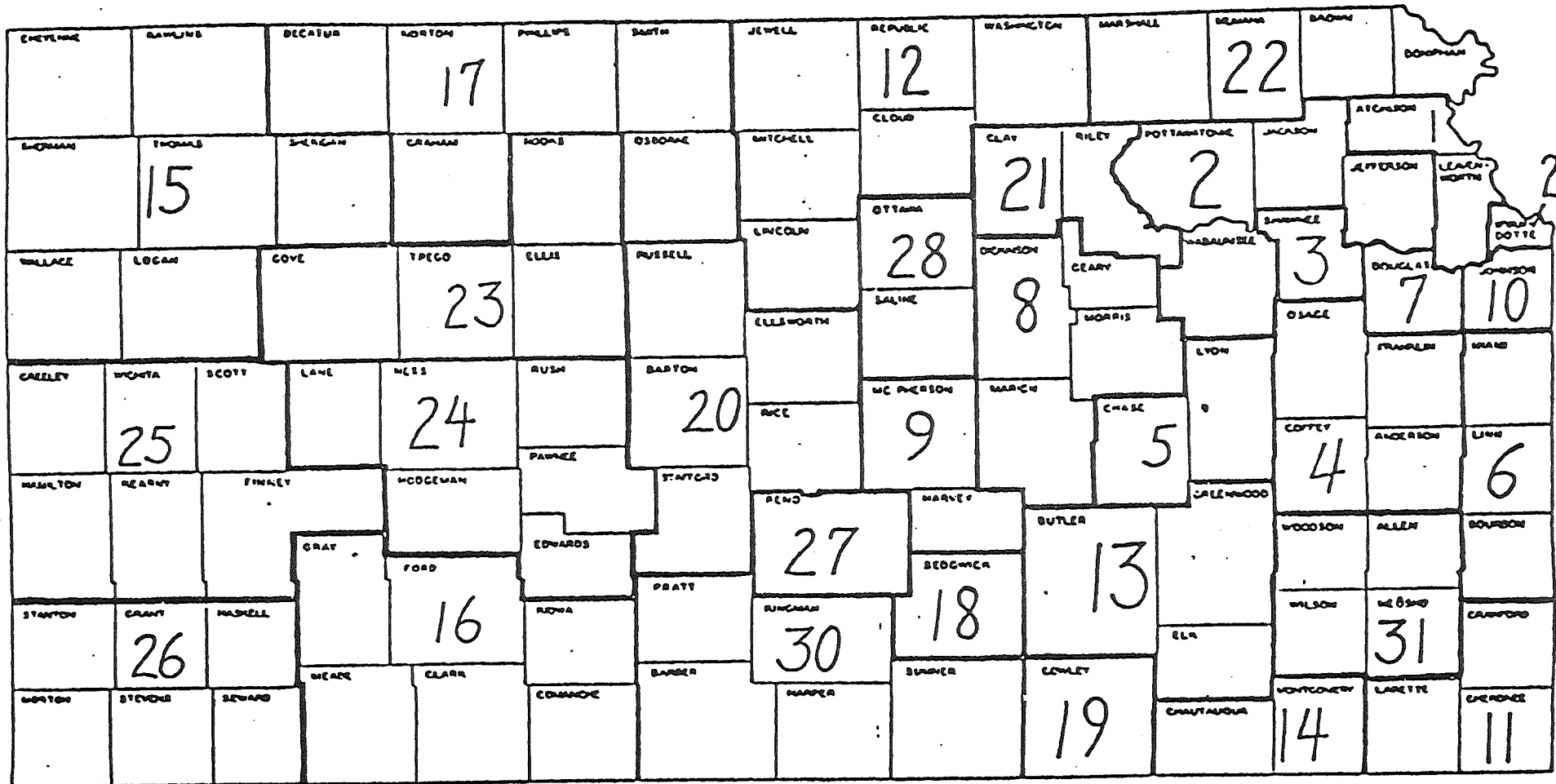
| | | |
|----|-------|----|
| JA | 28.70 | 29 |
| FE | 22.90 | 25 |
| MA | 19.10 | 33 |
| AP | 24.50 | 41 |
| MY | 32.30 | 36 |
| JU | 30.10 | 34 |
| JY | 30.70 | 39 |
| AU | 33.30 | 28 |
| SE | 24.70 | 34 |
| OC | 28.10 | 51 |

JUVENILE HALL WORKLOAD



KANSAS JUDICIAL DISTRICTS

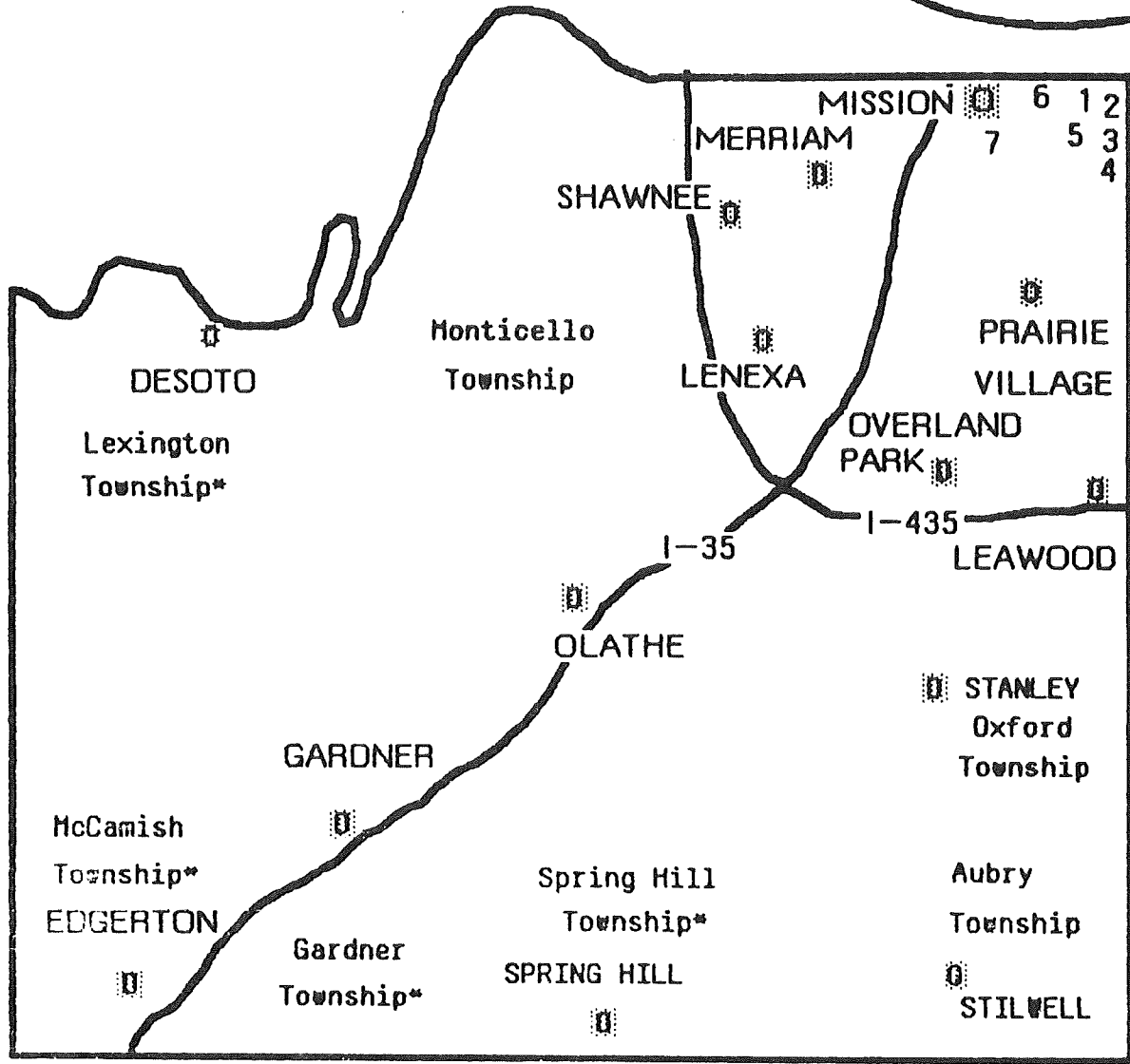
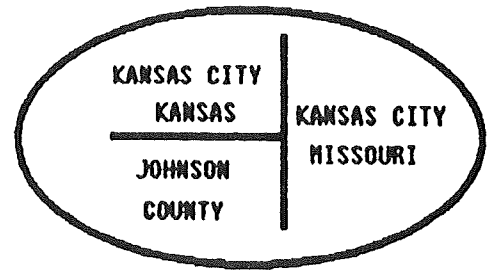
(EFFECTIVE JULY 1, 1983)



DEMOGRAPHICS
OF
JOHNSON COUNTY, KANSAS

Courtesy of:
United Community Service of
Johnson County, Kansas
and
U.S. Census Bureau, 1986

JOHNSON COUNTY, KANSAS



*The Townships include the designated boundary areas outside the corporate city limits for that geographic area.

- 1. WESTWOOD
- 2. WESTWOOD HILLS
- 3. MISSION WOODS
- 4. MISSION HILLS
- 5. FAIRWAY
- 6. ROELAND PARK
- 7. COUNTRYSIDE

Note.—The map approximates the location of cities and townships; it is not exactly to scale.

Kansas City area population

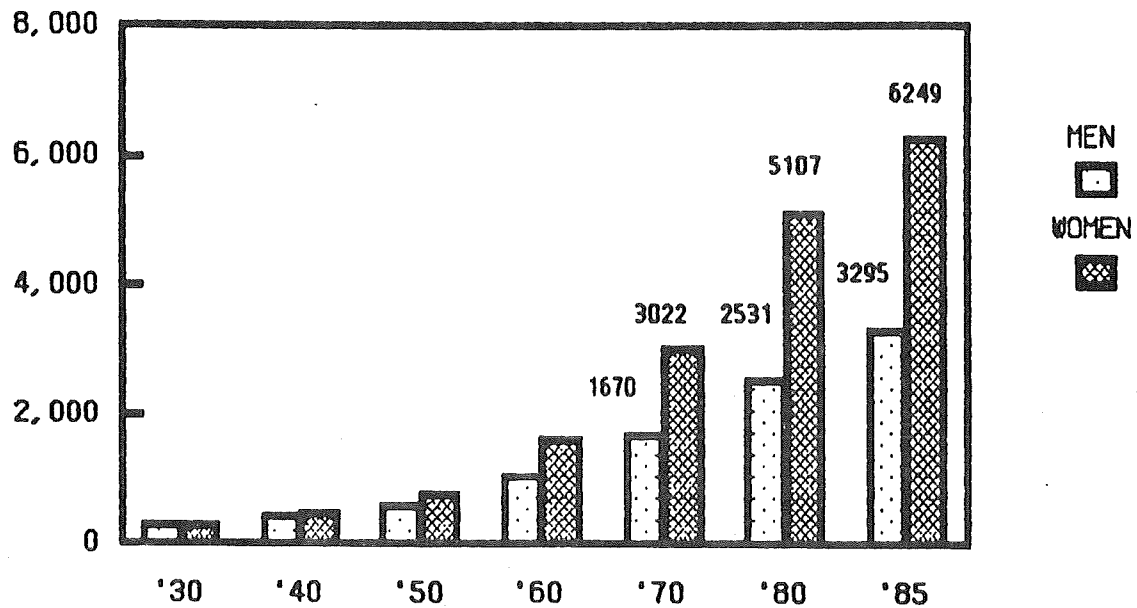
| | 1970 | 1980 | 1985* | % change 1970-80 | % change 1980-85 |
|--------------------|------------------|------------------|------------------|---------------------|---------------------|
| Kansas | | | | | |
| Johnson County | 220,073 | 270,269 | 306,900 | 22.8 | 13.5 |
| Leavenworth County | 53,340 | 54,809 | 59,000 | 2.8 | 7.6 |
| Miami County | 19,254 | 21,618 | 22,500 | 12.3 | 4.0 |
| Wyandotte County | 186,845 | 172,335 | 172,400 | -7.8 | 0.03 |
| Missouri | | | | | |
| Cass County | 39,448 | 51,029 | 55,800 | 29.4 | 9.3 |
| Clay County | 123,702 | 136,488 | 141,100 | 10.3 | 3.3 |
| Jackson County | 654,178 | 629,266 | 634,000 | -3.8 | 0.75 |
| Lafayette County | 26,626 | 29,931 | 30,400 | 12.4 | 1.5 |
| Platte County | 32,081 | 46,341 | 49,900 | 44.4 | 7.6 |
| Ray County | 17,599 | 21,378 | 22,000 | 21.5 | 2.9 |
| Total | 1,373,146 | 1,433,464 | 1,494,000 | 4.3 | 4.2 |

Numbers rounded to nearest hundred

* As of July 1

Source: U.S. Census Bureau, 1986

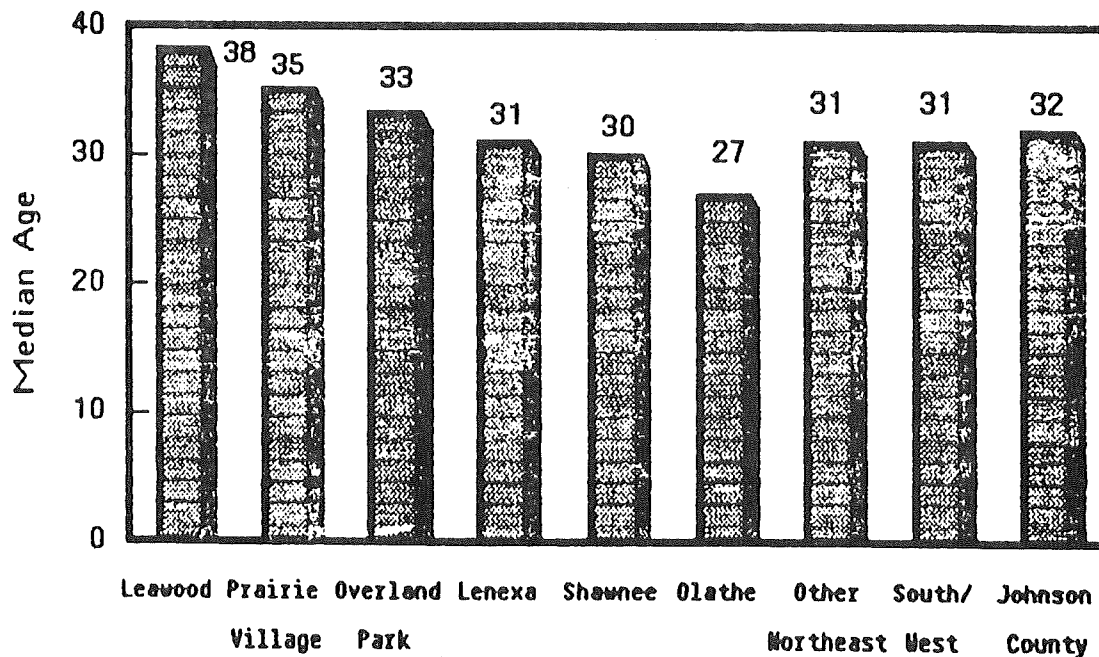
JOHNSON COUNTY HAS LARGE INCREASE IN AGES 75 +



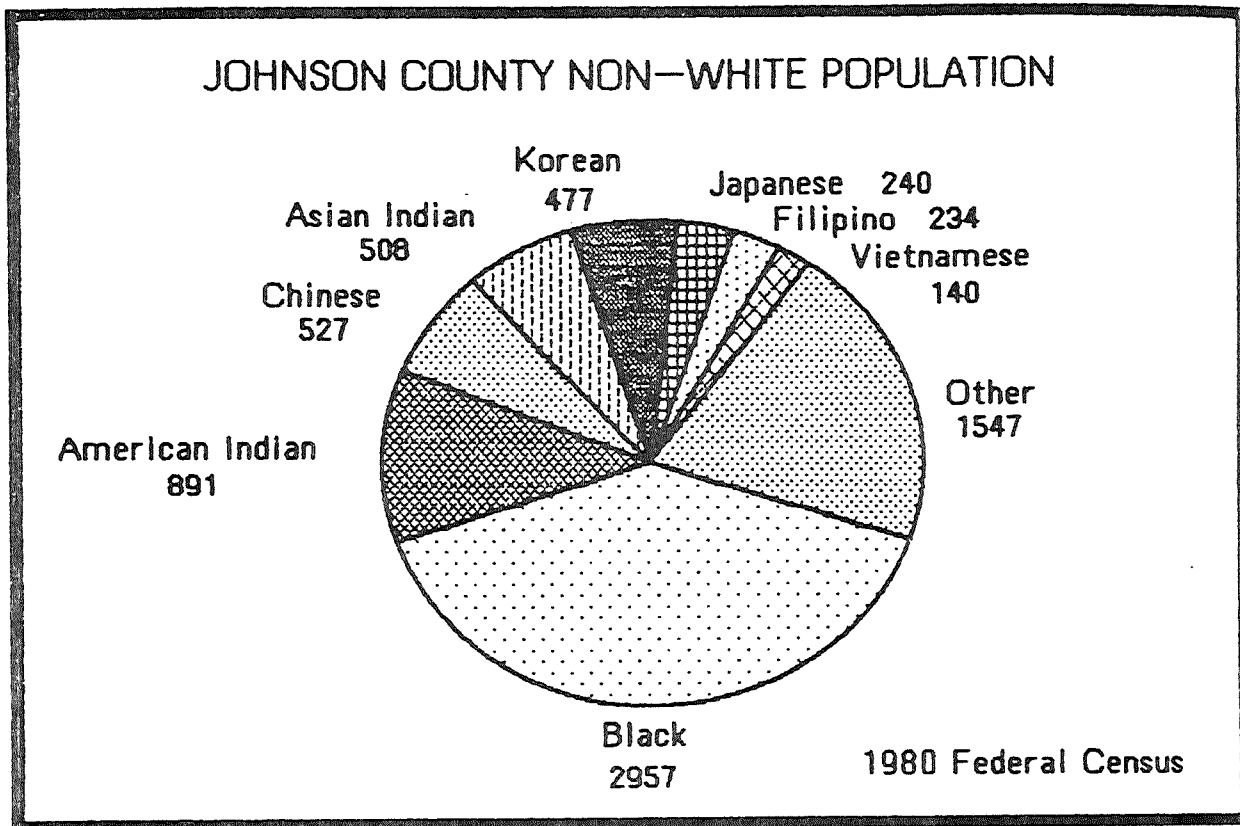
Federal Data through '80, County Data for '85.

MEDIAN AGES OF RESIDENTS FOR SELECTED AREAS

1985 Estimates Based on County Census



Minorities

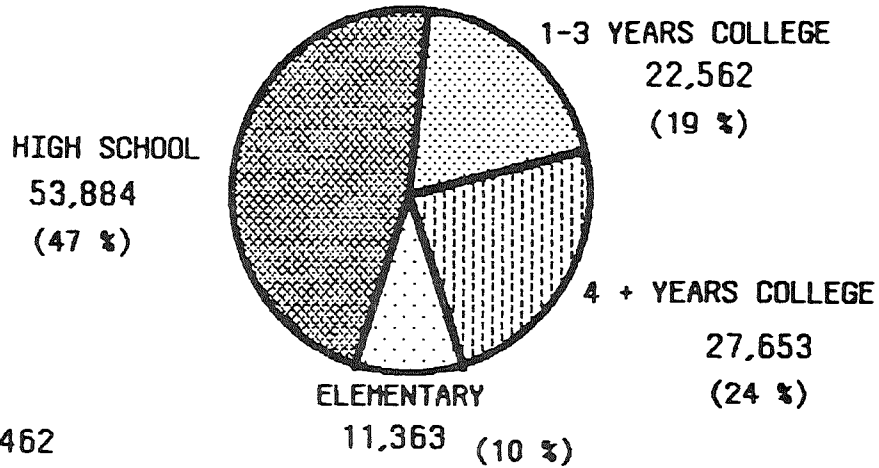


Births

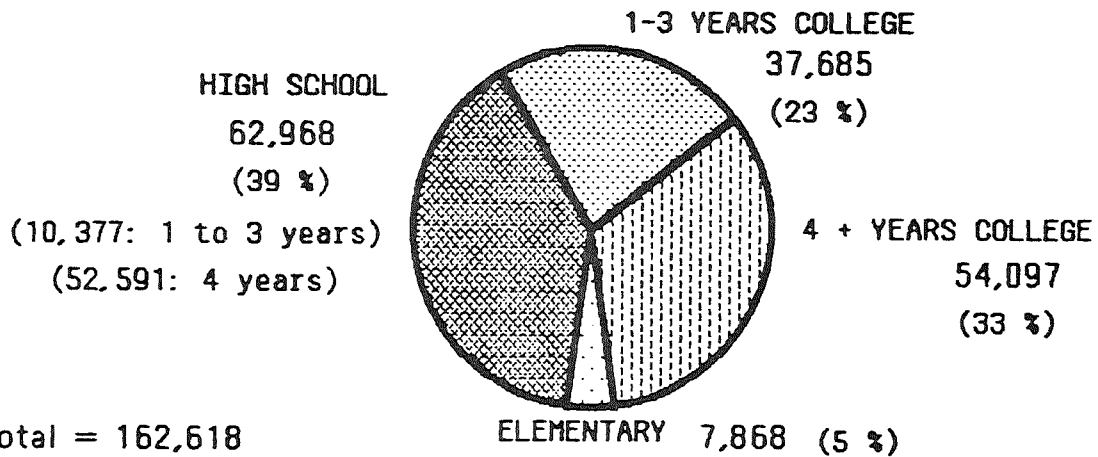
- There were 4,626 births to Johnson County residents in 1985; that is 15 % more than the number of births in 1980 (4,032).
- Approximately one out of every four babies born to a Johnson County resident in 1985 was born to an Olathe resident.
- Births continue to outnumber deaths; there were almost three times as many births as deaths. The ratio was 2.76 during 1980 and 2.78 during 1985.
- During 1984, there were 5,319 induced abortions reported within the State of Kansas. Twenty-two percent (1,155) of these were for Johnson County residents. Almost one-third (336) of these were for women in Johnson County under the age of 20.
- There were 5,501 births to single women during 1984 within the State of Kansas. Five percent (276) of these were for Johnson County residents. More than one-third (107) of these were for women under the age of 20; this was 2.5 % of all births to Johnson County residents during 1984.

1970 EDUCATIONAL LEVEL

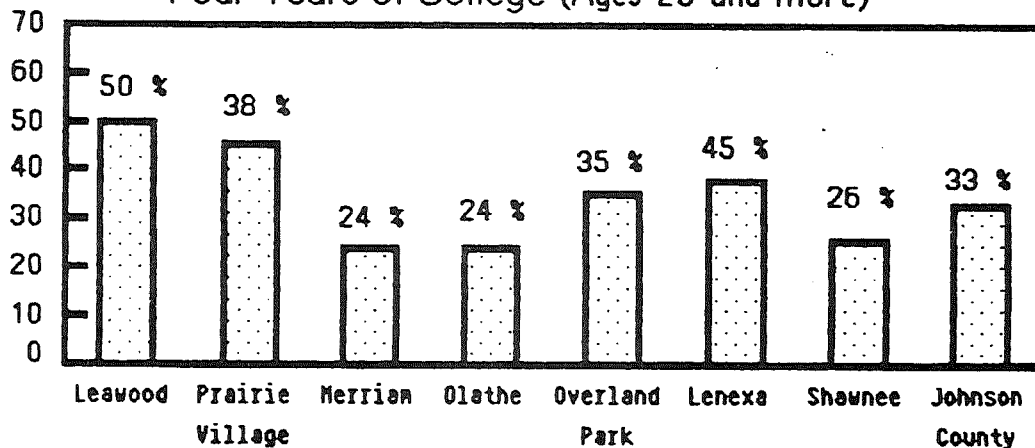
Johnson County Residents, Ages 25 +



1980 EDUCATIONAL LEVEL

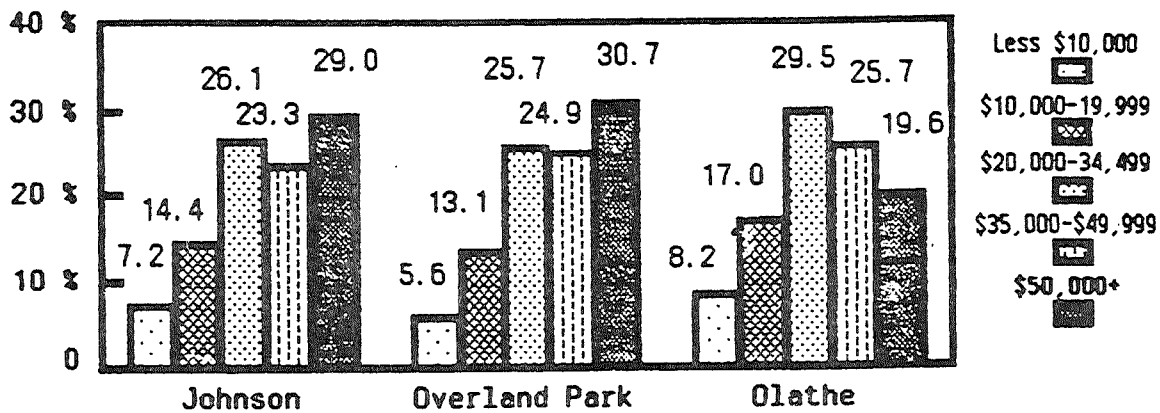


Percentage of County Residents with At Least Four Years of College (Ages 25 and more)



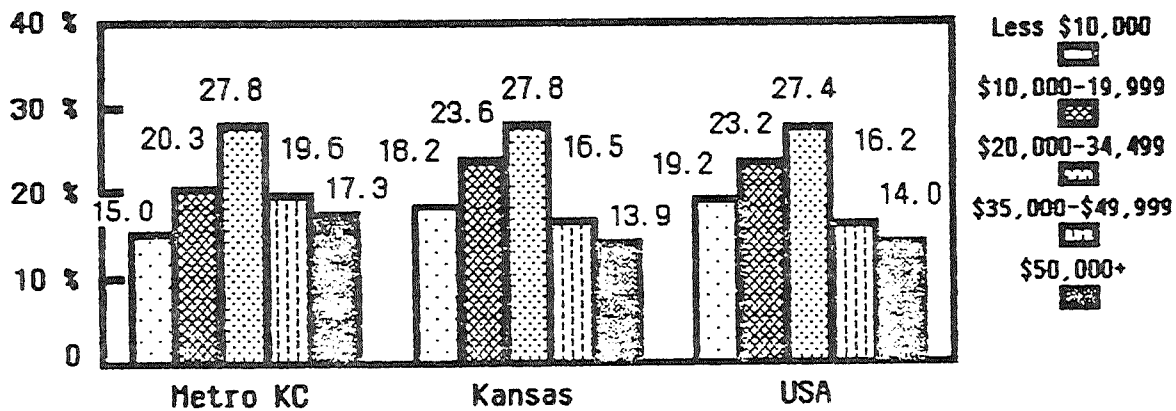
Source: 1980 General Social and Economic Characteristics for Kansas

JOHNSON COUNTY HOUSEHOLD INCOME DISTRIBUTIONS



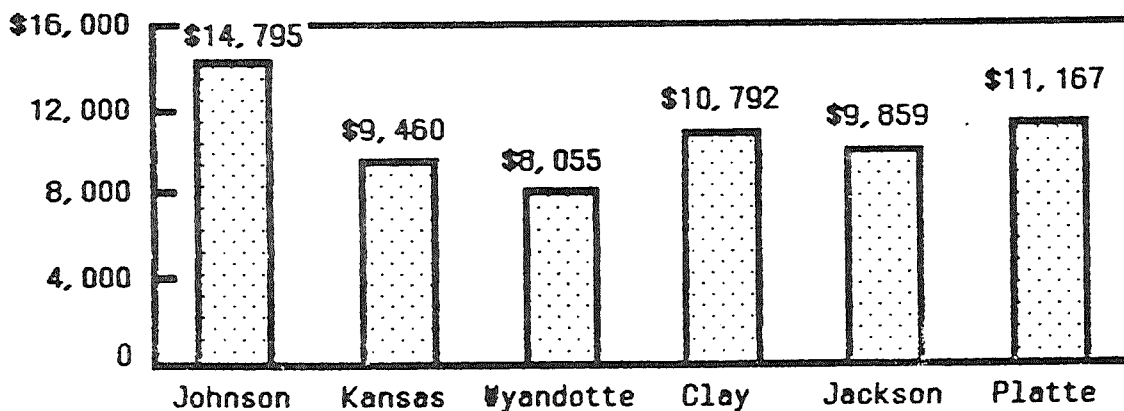
1986 Sales & Marketing Management's Survey of Buying Power

METROPOLITAN KANSAS CITY, KANSAS, AND USA HOUSEHOLD INCOME



1986 Sales & Marketing Management's Survey of Buying Power

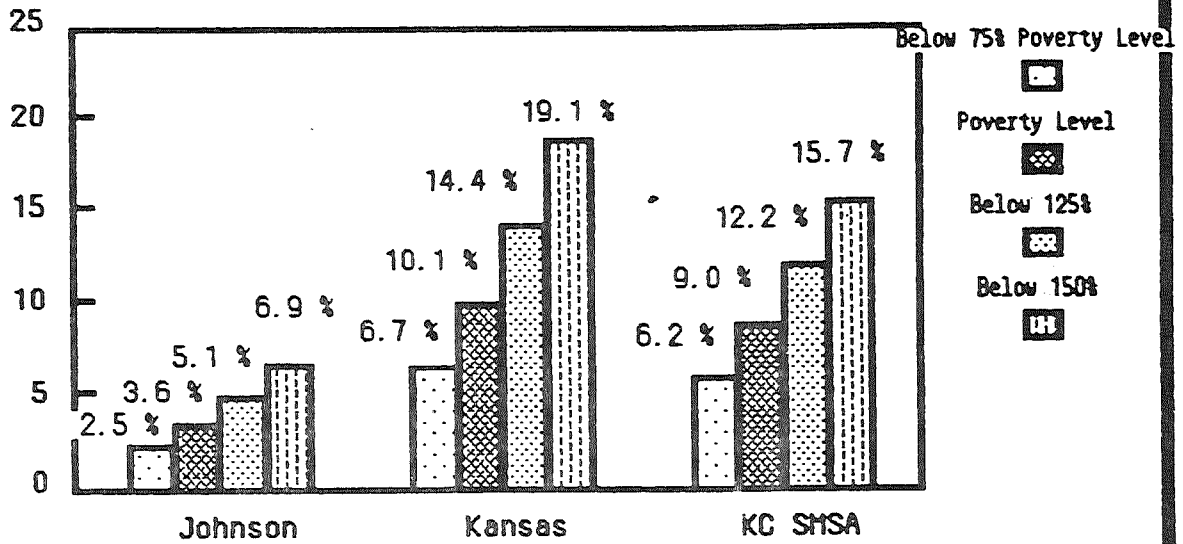
1983 PER CAPITA INCOME FOR SELECTED GEOGRAPHIC AREAS



Source: Bureau of the Census (latest available)

POVERTY DOES EXIST IN JOHNSON COUNTY

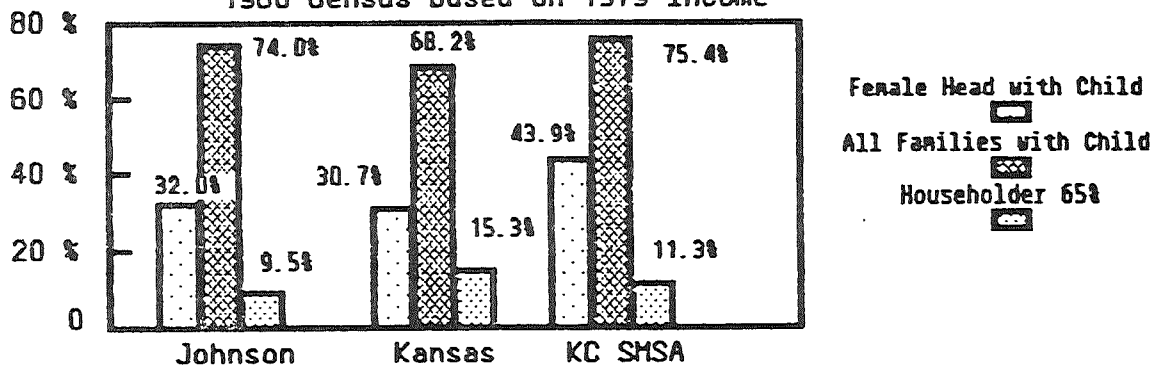
Percentages of Persons at Different Income Levels Related to Poverty Level



There were 9,726 persons and 1,995 families in Johnson County with incomes below the poverty level income during 1980. There were 2,857 families in Johnson County with incomes below 125 % of poverty. The census data were based on a cutoff of \$3,686 for a one person household and \$5,844 for a family of four with two children. In 1986, the Federal poverty levels are: \$5,472 for a one person household, \$9,252 for three persons, and \$13,008 for five persons. Kansas public assistance benefits in 1986 for a family of three are \$6,732 annually, 73 % of the Federal poverty level.

CHILDREN ARE PRESENT IN MAJORITY OF FAMILIES BELOW POVERTY LEVEL

Percentage are relative to all Families Below Poverty Level
1980 Census based on 1979 Income

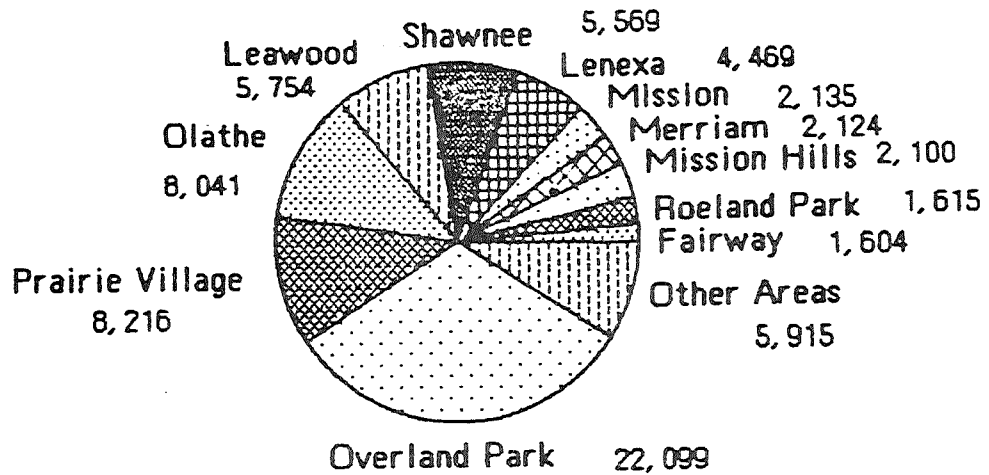


1,995 families in Johnson County had incomes below poverty level.

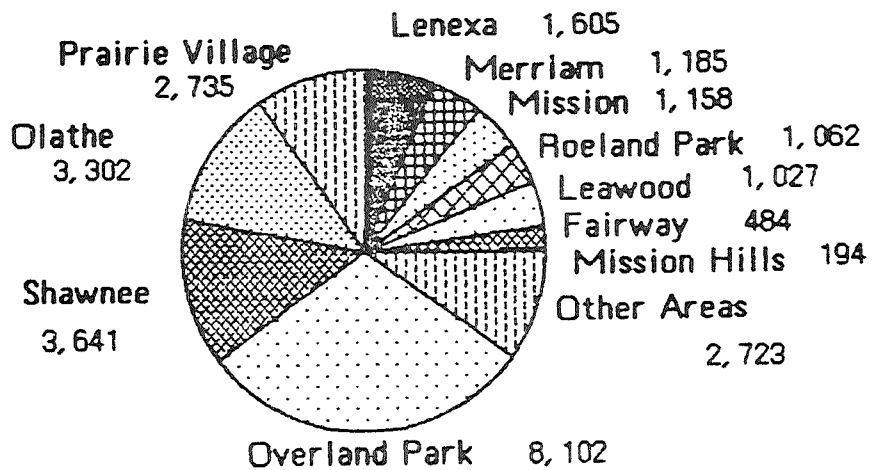
Source: 1980 General Social and Economic Characteristics for Kansas.

Registered Voters (February 4, 1986)

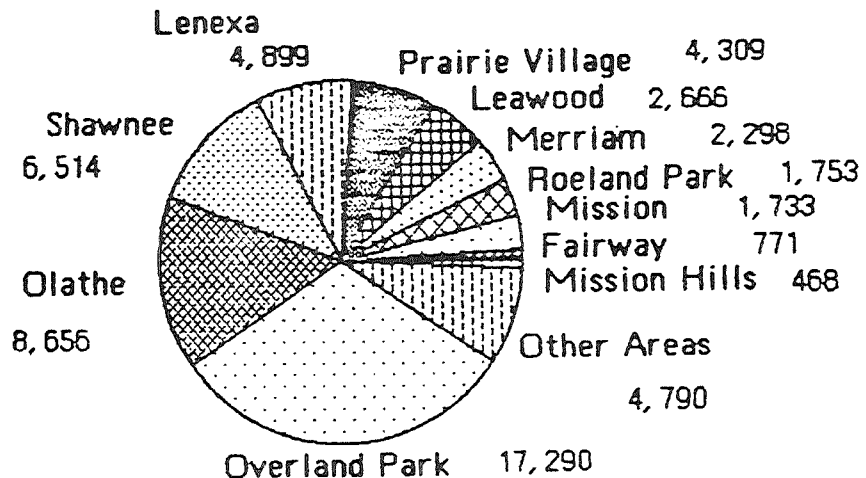
69,641 Registered Republicans



27,218 Registered Democrats

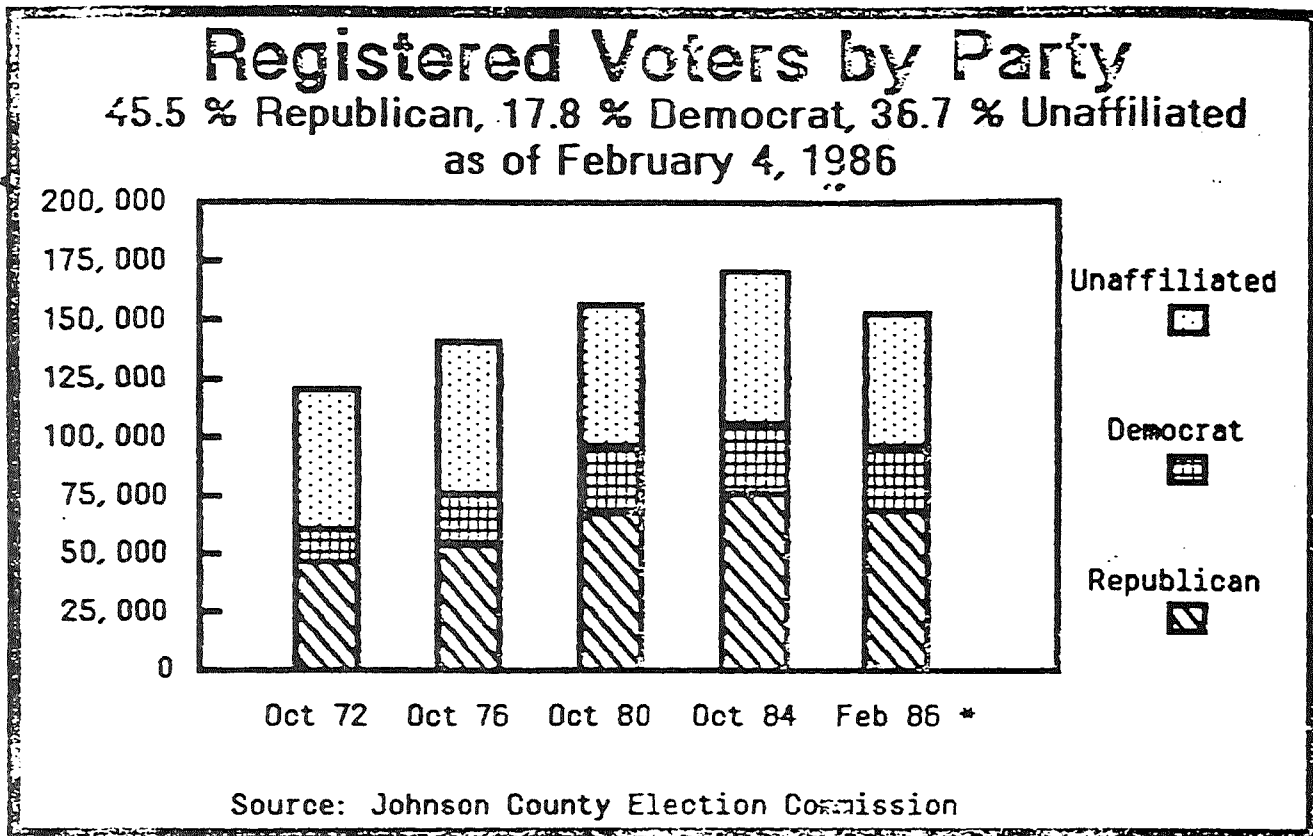


56,147 Registered Unaffiliated



Source: Johnson County Election Commission

-- Unaffiliated voters were more apt to vote for Republican Presidential candidates than Democratic during the Presidential Races from 1972 through 1984.



* Purging of the books occurred after the General Election in 1984 and prior to February 1986. After each General Election, the following procedures apply: (1) "Do not forward" cards are sent out to all non-voters, (2) If the card is returned as being "undeliverable", the person is deleted from the files; if the card is not returned, the person is retained. There were 28,277 persons purged during 1984.

Starting in 1980, a person who misses two November General Elections is removed from the files. When a precinct line is changed, a card is sent to each registered voter. If the card is not deliverable, a second card is sent. If both are undeliverable, the person is removed from the file.

Beginning in 1985, mail ballots which are returned as undeliverable result in that voter being purged from the file.

ADMINISTRATIVE SUPPORT SERVICES

Peggy Mann.....Office Manager/Personnel
Janice Johnson.....Budget/Logistics
Kathy Thomas.....Jury Coordinator
Doris Dougan.....Chief Deputy
Betty DeGarmo.....Supervisor, 60, 61 & Small Claims
Marie Lane.....Supervisor, Probate/Juvenile
Joan Shriver.....Supervisor, Accounting
Audrey Sawyer.....Supervisor, Traffic
Karen Branson.....Supervisor, Recording
Thelma Arnoldia.....Supervisor, Criminal
Jerry Jacobson.....Director, Juvenile Detention
Tom Tush.....Director, Adult Probation
David Gee.....Supervisor, Adult Probation
Ilene Grunspan.....Supervisor, Adult Probation
Jan Godard.....Supervisor, Adult Probation
Bill Smith.....Director, Juvenile Services
Helen Osborne.....Supervisor, Juvenile Services
Rise Haneberg.....Supervisor, Juvenile Services
Gary Kretchmer.....Supervisor, Domestic Relations
Ruth Pfeifer.....Office Manager, Court Trustee
Joann Sorenson.....Supervisor, Court Trustee
Elie McKinley.....Supervisor, Court Trustee
Bill Breyfogle.....Director, Law Library



Themis, Goddess of Justice

Chairman Senator Bob Fry and distinguished Senators of this Committee. It is an honor and pleasure to appear before you today and testify for the needs of the Tenth Judicial District, Johnson County, Kansas.

I am Maxine B. Allen, member of the Citizens Advisory Committee to the Tenth Judicial District. I am the wife of William S. Allen, former Magistrate Judge of Johnson County for 12 years, who is now practicing law in Johnson County.

I feel qualified to appear before you and present the need for additional judges in Johnson County. I have been a resident of Johnson County since 1955, when my husband became the 34th member of the Johnson County Bar Association. I have been president of the Johnson County Bar Auxiliary for two years and have seen the growth and increase in the County from 34 lawyers to over 700 members in the Bar Association and nearly 1200 lawyers practicing in Johnson County.

Johnson County has had no addition in the number of Judges since 1977, thou the County has grown from 220,073 in 1970 to 306,900 in 1985.

For the past 30 years I have been an educator in the Shawnee Mission schools, I have been a teacher and principal of schools having more than a 1,000 children under my supervision. We held weekly staffings for parents and children with school psychologists and social workers and have seen the need for court action in some cases. This need has increased because of the population boom as

Attch. III
Senate Judiciary
1-20-87

as well as the increase in social problems relating to drug use, family mobility, economic problems, and child abuse. These problems often need court assistance. If the case load continues to mount, the length of time for help for these people will compound their problems.

Having lived with Judge Allen, I have seen first hand the enormous case load the Judges have to handle. This increases day to day pressure and stress on our Judges which often results in severe health problems and leads to an early retirement and early death among our judicial staff. Our judicial officers have exceeded the capacity to safely take additional case loads, because of more complex litigation in addition to numerous litigation. This report reflects a substantial increase in pending cases with a significant increase in all types of actions since creation of the unified trial court in 1967.

One never knows when need for personal court action becomes necessary. In that circumstance one would want the case taken care of carefully, correctly and with justice as soon as possible. This can only take place when there are enough Judges to adequately serve the people.

We, the voters of Kansas look to you to represent us for the need to recommend more Judges to serve on our benches to adequately bring justice to our County and this great of State of Kansas, thus making it a safer and better place for each of us to live. Thank you for your time and attention to this great need.

Mrs. Maxine B. Allen, Citizens Advisory Committee Member
Tenth Judicial District

NARRATIVE INFORMATION—DA 400R
DIVISION OF THE BUDGET
DEPARTMENT OF ADMINISTRATION, STATE OF KANSAS

1-20-86
AGENCY NAME Judicial Branch
AGENCY—SUBAGENCY CODES 677-00
PROGRAM TITLE AND CODE Admin.
SUBPROGRAM TITLE AND CODE Judges

100 - Salaries and Wages

We are requesting in FY 1988 Level B, five additional district judgeships to supplement judicial staff in selected urban courts. Two judgeships are requested for Johnson and Sedgwick county each, while we are requesting one judgeship for Shawnee 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 their present need.

There has been a recent acceleration in the increase in caseloads in the trial courts, and this increase has been especially pronounced in the urban districts of this state. Major case filings in Johnson and Shawnee counties have set new all time highs and filings in Sedgwick county has again equalled earlier peaks. Each of these three counties had a 10% increase in major case filings between 1985 and 1986 and in some individual case categories the increase was explosive, e.g., Shawnee county had a 45% increase in Chapter 60, Regular Actions, filings in 1986 compared to 1985.

Although criminal case filings have increased in recent years, both statewide as well as in the urban districts, the dramatic increases have been in civil case filings. For a variety of reasons, we fully expect civil case filings to continue to increase.

JOHNSON COUNTY

Since FY 1978, the first year following court unification, Chapter 60 case filings in Johnson County have increased 82%. This is an especially significant statistic since Chapter 60 cases require so much judge time. The Chapter 60 case filings increase has not been in lieu 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.

Underscoring the need for additional judges in Johnson county is the fact that nearly 20% of Kansas attorneys are practicing in Johnson county. Not only has the caseload increased in Johnson county, there has been significant increase in population in this district in recent years. For ten years there has been absolutely no increase in judicial help in this district despite the fact that it is the fastest growing area in the state.

SEDGWICK COUNTY

Two additional district judgeships are requested for this district. This trial court handles more litigation than any court in the state. 20% of the civil litigation in Kansas occurs in Sedgwick county.

Since court unification in 1977, this district has constantly had a high ratio of caseload per judge, typically one of the heaviest in the state. Since 1978, there has been a 46% increase in Chapter 60 case filings, a slight decrease in domestic relations

*Attach. IV
Amended Judgments
1-20-86*

NARRATIVE INFORMATION—DA 400

DIVISION OF THE BUDGET

DEPARTMENT OF ADMINISTRATION, STATE OF KANSAS

AGENCY NAME Judicial Branch
AGENCY—SUBAGENCY CODES 677-00
PROGRAM TITLE AND CODE Admin. o
SUBPROGRAM TITLE AND CODE Judges

cases, and a 40% increase in Chapter 61 case filings. To assist with a heavy and increasing juvenile case-load docket, magistrate judges are regularly assigned into this district. However useful that is, it is but a short term solution for this district.

Between FY 85 and 86, there was a 10.8% increase in major caseload in this district. Again, despite caseloads that have increased since unification, no additional judge help has been made available to this district.

SHAWNEE COUNTY

FY 86 was the 2nd year in a row that major case filings in this district have increased over 18% and in fact in the past two years case filings have increased a total of 39%. Year-to-year increases of over 40% accrued with Chapter 60 cases and misdemeanor case filings. Major case filings in this district set new records in 1985 and then again in 1986.

Since this district received additional judgeships several years ago, we are now requesting only one new additional district judge for Shawnee county.

In recent years this district, because of caseload problems, has received continuing judge help from across the state. With this kind of caseload increase in the last two years, we expect to continue this program even if the additional judgeship is authorized. Caseload increases of this scope experienced by this district mandate minimum increase in the resident permanent staff.

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