

Approved: 1-29-98
Date

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Chairperson Phil Kline at 1:30 p.m. on January 26, 1998 in Room 514-S of the Capitol.

All members were present except: Representative John Edmonds - Excused

Committee staff present: Alan Conroy, Stuart Little, Shannon Nichols, Carolyn Rampey, Legislative Research Department;
Jim Wilson, Mike Corrigan, Revisor of Statutes Office;
Helen Abramson, Administrative Aide; Linda Swain, Appropriations Secretary

Conferees appearing before the committee:
Cindy Lash, Principle Auditor - Legislative Post Audit Committee
Kay McFarland, Chief Justice, Kansas Supreme Court
Jerry Sloan, Budget Officer for the Judicial Branch

Others attending: See attached list

Cindy Lash, Principle Auditor, Legislative Post Audit Committee, made a presentation on the Performance Audit Report, Reviewing the Kansas Court System's Allocation of Staff Resources to the District Courts. (Attachment 1) The report contains the committee's findings, conclusions and recommendations.

A discussion following the presentation included: the difficulty of judging workload by number of cases handled; the pros and cons of using weighted caseloads; legislative decisions needed concerning desired level of service while maintaining desired level of efficiency; and the use of magistrates, retired judges and judges on loan. Representative O'Connor requested information on previous requests for funds to calculate a meaningful weighted caseload.

Chief Justice Kay McFarland addressed the committee. She noted the Performance Audit Report confirmed the court system is allocating resources well, considering the resources available. Chief Justice McFarland also addressed: the limitations of using magistrates between districts; problems associated with a protracted hiring freeze; the court backlog being composed of increasingly complicated issues; the complicated and expensive process of setting up the use of weighted caseloads and the disappointing results of many states who have tried it. She concluded that if more money is available to spend in the Judicial Branch the weighted caseload is not the place to spend it.

Jerry Sloan, Budget officer for the Judicial Branch addressed the issue of the \$360,000 carryover. He pointed out 97% of the budget is dedicated to personnel and the carryover amount was approximately 1/2 of 1% of the entire budget. The savings was primarily caused by the inability to fill data processing and court reporter positions. Positions were difficult to fill because of the shortage of trained applicants and the availability of better paying jobs.

Representative Gayle Mollenkamp spoke of the commitment of Ft. Hays State University to set up training programs if funds were made available for that purpose.

Chair Kline thanked the conferees.

Chair Kline announced there would be no Appropriations Committee on Wednesday.

The meeting adjourned at 3:50 p.m.

The next meeting is scheduled for January 27, 1998.



LEGISLATURE OF KANSAS
LEGISLATIVE DIVISION OF POST-AUDIT

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June 23, 1997

To: Members, Legislative Post Audit Committee


Representative Eugene Shore, Chair
Representative Richard Alldritt
Representative Doug Mays
Representative Ed McKechnie
Representative Dennis Wilson

Senator Lana Oleen, Vice-Chair
Senator Anthony Hensley
Senator Pat Ranson
Senator Chris Steineger
Senator Ben Vidricksen

This report contains the findings, conclusions, and recommendations from our completed performance audit, *Reviewing the Kansas Court System's Allocation of Staff Resources to the District Courts*.

The report also contains appendices showing staffing and caseload statistics for each judicial district, as well as survey responses from judges and from chief clerks of the district courts.

This report includes several recommendations for improving court operations. We would be happy to discuss these recommendations or any other items in the report with any legislative committees, individual legislators, or other State officials.


Barbara J. Hinton
Legislative Post Auditor

*Appropriations
1-26-98
Attachment 1*

EXECUTIVE SUMMARY
LEGISLATIVE DIVISION OF POST AUDIT

**Question 1: Is the Judicial Branch's
Current System for Allocating Judges And Other
Staff Resources Among the District Courts Reasonable,
Given the Workloads in those Courts?**

Because the location of each judge is specified in statute, the judicial branch can't permanently reallocate existing judgeships to help equalize their workloads, but it can and does make some reassignments on a temporary basis. page 5
One of the goals of court unification in 1977 was to permit more effective and efficient use of judges and court facilities, including equalization of judicial workloads. Although the Office of Judicial Administration collects caseload information, such as the number of cases files and disposed of, this information doesn't accurately reflect the workload of the courts because of differences in the type and complexity of cases being handled. Even so, caseload statistics for 1996 show a very large rang—from about 350 cases per judge in several rural judicial districts, to 2,322 cases per judge in Shawnee County.

Statutory constraints prevent wholesale reorganization to equalize judges' caseloads. State law requires each county to have at least one judge of the district court who is a resident of, and has the judge's principal office in, that county. In addition, State statutes list the counties which will have district magistrate judge positions, and also specify the number of district judge positions in each district. In some cases, the law further identifies, by county, where the district judge positions will be located.

The Office can temporarily reassign judges, but does so on a fairly limited basis because of the political constraints of reassigning judges who are elected or appointed to serve specific counties. In response to our survey, judges reported spending about four days a year on temporary assignment to other districts, and judges from multi-county districts reported spending about one day each week hearing cases in other counties within their districts. Since 1987, the number of authorized judgeships has increased by 4%, from 216 to 225, while the number of cases filed has increased by 40%.

Because of the statutory constraints on moving judges permanently to areas where caseloads are higher, districts with fewer cases filed still have proportionately more judges than districts with a greater number of cases filed. page 11
Judges in districts with a high volume of cases filed are handling more than twice as many cases as judges in districts with a low volume of cases. While reasons such as economies of scale, specialization, geography, and staff resources allow judges in "high volume" districts to handle more cases, this is still a greater discrepancy than might be expected.

Because judges caseloads' have increased significantly over page 12
time, district courts have taken a number of steps to become more efficient, but they seem to be falling behind in keeping up with their caseloads. *Statewide, judges' caseloads are 34% higher than they were 10 years ago. The judges and clerks responding to our survey cited a number of changes they made to improve their efficiency in processing the increased caseload. These changes included improving the way they assign and schedule cases, using alternatives to trials, expanding their use of computers, and using fax machines. However, all sizes of districts were slightly less successful at keeping up with new cases in 1996 than they were in 1987.*

Increasing caseloads have caused services to be cut back in page 15
some offices of the clerk of the district court. *Between 1987 and 1996, case filings have increased 40% while nonjudicial staff have increased 7%. Because of this disparity, some Clerks' offices have reduced the level of service they provide; for example, by taking longer to make copies or retrieve files, only distributing child support moneys by mail, and requiring additional document work from attorneys. However, most Clerks' offices are open to the public during regular business hours, and a majority are open during the lunch hour.*

Despite the current statutory barriers to changing the page 17
location of judges, the courts could make additional changes to operate more efficiently. *Through our surveys, visits, and observations, we found options that could help the courts operate more efficiently, but those options would need to be reviewed in further detail. Changes that could be made within existing financial resources include clarifying whether judicial order's can be issued by fax machine, and publishing a newsletter or some other vehicle for sharing innovative ideas between districts. Changes that could be made with additional financial resources include considering State funding to improve the court's computer technology, relying more on district magistrate judges, senior judges, or retired judges, increasing access to mediation, ending the hiring freeze, increasing the number of non-judicial staff, and considering State funding to develop workload statistics.*

Conclusion page 20

Recommendations page 21

APPENDIX A: How Surrounding States Allocate Personnel page 23

APPENDIX B: District Statistics for Fiscal Year 1996 page 24

APPENDIX C: Summary of Survey Responses from Judges and page 25
Chief Clerks or Court Administrators

APPENDIX D: Agency Response page 32

This audit was conducted by Cindy Lash, Barbara Coultis and Jill Shelley. If you need any additional information about the audit's findings, please contact Ms. Lash at the Division's offices. Our address is: Legislative Division of Post Audit, 800 SW Jackson Street, Suite 1200, Topeka, Kansas 66612. You also may call (913) 296-3792, or contact us via the Internet at: LPA@mail.ksleg.state.ks.us.

Reviewing the Kansas Court System's Allocation of Staff Resources to the District Courts

The Kansas Judiciary includes the appellate courts, the district courts, the Office of Judicial Administration, and several boards and commissions. In all, the Judiciary has more than 1,700 employees and a combined fiscal year 1997 budget of more than \$74 million. By far, the district courts account for the largest part of the budget—more than \$63 million in fiscal year 1997.

The Supreme Court is responsible for administering the judicial system in Kansas. The Office of Judicial Administration was established in 1965 to assist the Court in exercising its administrative and supervisory responsibilities.

The State is divided into 31 judicial districts. Each has an administrative judge, who is responsible for appointing a clerk of the district court in each county in the district as well as any assistants or support staff that may be needed to perform required duties. Some districts also have district court administrators to assist the administrative judge.

Legislative concerns have been raised that staff resources aren't being allocated among or within the district courts in the most effective way. Of specific concern is whether the current system for allocating staffing resources provides too few judges and other staff for courts in the more urban areas of the State to effectively handle the caseloads in those urban counties. A related concern is whether resource allocations are responsible for limiting the hours that the offices of clerks of the district courts are open to the public.

This performance audit answers the following question:

Is the Judicial Branch's current system for allocating judges and other staff resources among the district courts reasonable, given the workloads in those courts?

To answer this question, we analyzed caseload statistics collected by the Office of Judicial Administration, and interviewed officials to find out how staffing resources are allocated to the districts. We also visited a sample of judicial districts across the State to get a first-hand look at how different types of districts are staffed and organized, and surveyed all judges and the chief clerk or district administrator of each district to find out what types of changes in staffing or technology would help them do their jobs more efficiently. Finally, we talked with staff of the National Center for State Courts about measuring court workload, and interviewed judicial administrators in surrounding states to learn what type of systems they use to allocate staff resources among the courts. In conducting this audit, we followed all applicable government auditing standards.

Our findings begin on page five, after a brief overview of the organization and staffing of the State's district court system.

Overview of the Organization and Staffing Of the District Courts

January 1977 marked the start of a unified court system in Kansas. Unification brought together a variety of courts of limited jurisdiction (for example, probate, juvenile, and county courts) and State district courts to form a single Judicial Department. Under unification, the State became responsible for salaries and associated expenses for all staff, while counties assumed responsibility for court facilities and supplies. This funding split continues today. The Kansas Supreme Court has administrative authority over all courts in the State.

The State is divided into 31 judicial districts, comprising one to seven counties each. Each district is headed by an administrative judge, who is responsible for the clerical and administrative functions of courts within the district, including assignment of cases. The map on the facing page shows the districts. In addition, the 31 districts are grouped into six departments, each of which is generally overseen by one of the six Justices of the Kansas Supreme Court. The Chief Justice is the administrative head of the entire judicial branch of government.

The Office of Judicial Administration assists the Supreme Court by managing the day-to-day operations of the system. It handles budgeting, payroll, personnel, education and training, and caseload statistics, and has developed programs and systems related to mediation, juvenile intake and assessment, permanency planning for children, and child support enforcement.

Kansas Has Two Types of District Court Judges, Who Account for 14% of All District Court Employees

State law sets out two classes of judges—district judges and district magistrate judges. The differences between them are as follows:

- *District judges* are required to be attorneys, and can hear all types of cases that come before the district court. In fiscal year 1997, there were 156 district judges.
- *District magistrate judges* aren't required to be attorneys. Any magistrate who is not an attorney must, within 18 months of taking office, pass an examination and become certified by the Supreme Court. Their jurisdiction is limited to cases such as traffic and tobacco infractions, criminal misdemeanors, juvenile cases, and civil cases involving \$10,000 or less. In fiscal year 1997, there were 69 district magistrate judges, 12 of whom were attorneys.

In addition, the courts use senior judges and retired judges to help cover the workload. Senior judges are retirees who sign a contract to work 40% of the year for a stipend equal to 25% of the salary of a district judge. Senior judges and other re-

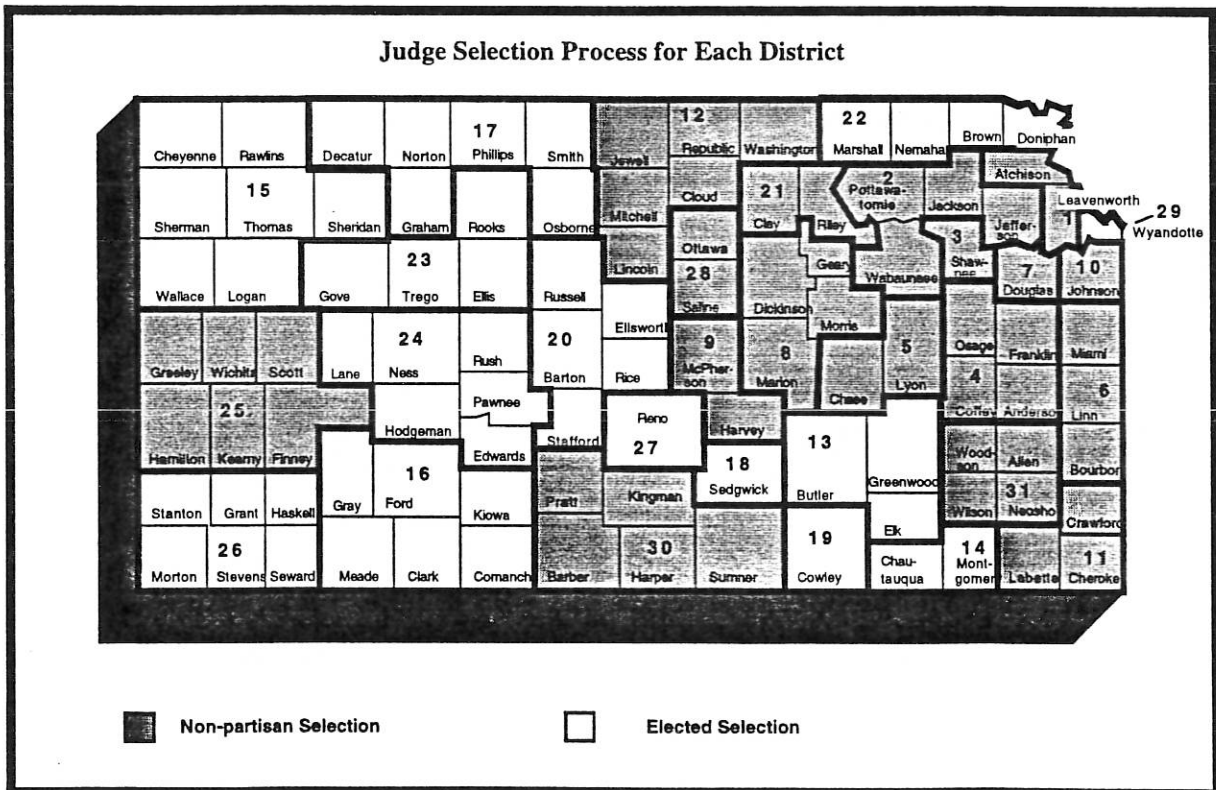
tired judges who don't have "senior" status also can hear cases on a temporary basis, for which they receive a daily stipend. In fiscal year 1997, the judicial branch funded nearly 400 days of retired judges (equal to about 1.5 full-time judges) and seven senior judges (equal to about 2.3 full-time judges) to help the district courts.

In all, judicial branch expenditures for judges of the district court, including senior and retired judges, will be about \$19.8 million in fiscal year 1997.

District court judges may be elected to office or may be appointed. Voters in each judicial district have chosen whether to elect judges or use a nonpartisan selection procedure. Elected judges are subject to partisan election every four years.

Under the nonpartisan selection procedure, when a judicial vacancy occurs, a local panel of 6-14 people is convened as a nominating committee, which is made up of equal numbers of attorneys and non-attorneys. For district judges, the nominating committee submits the names of two or three qualified individuals to the Governor, who makes the appointment. For magistrate judges, the nominating committee makes the appointment. All judges selected under the nonpartisan selection procedure are subject to a retention vote every four years.

Currently 14 districts covering 53 counties elect their judges. About 45% of district judges and 59% of district magistrate judges are elected. The remaining judges are appointed by the Governor. The map below also shows the selection process for each district.



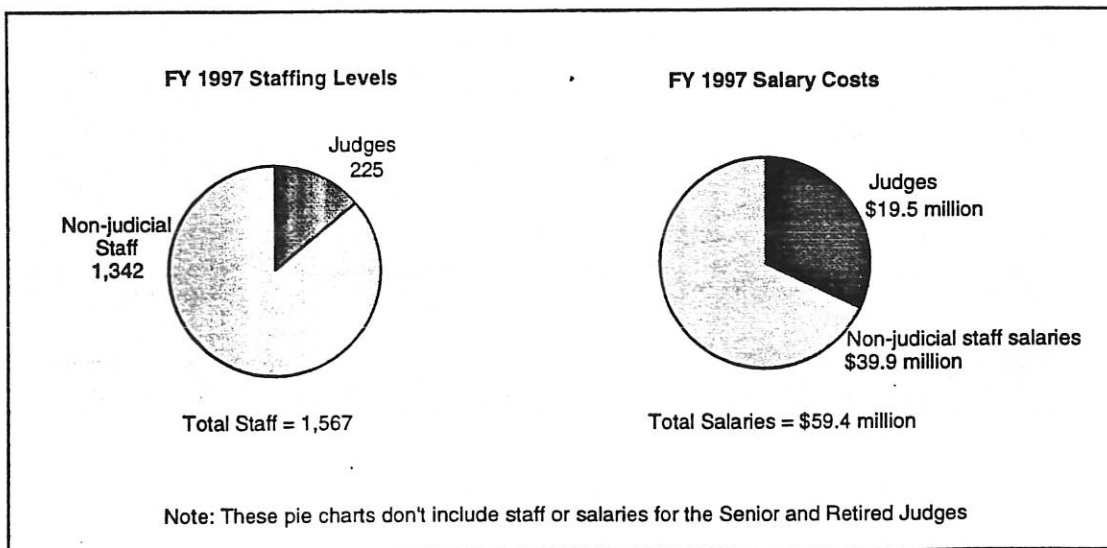
Non-Judicial Staff Account for 86% of All District Court Employees

The term "non-judicial staff" refers to court employees such as clerks of the district courts, court service officers (who do such things as supervise people on probation and conduct pre-sentence investigations), court reporters, records clerks, programmers, and general clerical support staff.

State law requires the administrative judge to appoint a clerk of the district court in each county within the district. Within staffing limits set by the Supreme Court and legislative appropriations, the administrative judge appoints the non-judicial staff necessary to operate the district court.

In all, judicial branch expenditures for non-judicial staff in the district courts, including temporary staff, will be nearly \$40 million in fiscal year 1997. The table below shows the job classifications of the 1,342 non-judicial staff. Federally funded child support enforcement staff are excluded.

Trial Court Clerks	463.0
Court Services Officers	341.0
Court Reporters	128.5
Clerks of the District Court	105.0
Administrative Assistants	103.0
Secretaries/Typists	88.0
Accounting and Records Clerks	68.0
Programmers and Systems Analysts	14.0
Court Administrators	14.0
Law Clerks	6.0
Transcriptionists	5.5
Other	<u>6.0</u>
	1,342.0



Is the Judicial Branch's Current System for Allocating Judges And Other Staff Resources Among the District Courts Reasonable, Given the Workloads in Those Courts?

Statutes that specify the location of each judge prevent the Judicial Branch from permanently reallocating existing judgeships to equalize workload, although the Branch does make temporary reassignments of judges. Still, judges are not always located where there appears to be the greatest amount of work. In spite of significant improvements in their ability to process cases, the district courts seem to be falling behind in their work, and increased caseloads have caused services to be cut back in some offices of the Clerk of the District Court. Finally, although there are some statutory barriers that reduce efficiency in the Judicial Branch, there are things the courts can do to improve their efficiency, although most of these would require additional resources.

Because the Location of Each Judge Is Specified in Statute, The Judicial Branch Can't Permanently Reallocate Existing Judgeships To Help Equalize Their Workloads, But It Can and Does Make Some Reassignments on a Temporary Basis

One of the goals of court unification was to permit more effective and efficient use of judges and court facilities, including equalization of judicial workloads. At the time, judges' caseloads varied greatly, and urban districts had much higher caseloads than rural districts. When unification took place, however, city and county judges in the local courts, who became associate district and magistrate judges, were assigned to the same judicial districts as before. Thus, the same potential for caseload inequities that existed before unification remained after unification.

To determine the extent to which variations in judges' caseloads still exist, we reviewed and analyzed the Office of Judicial Administration's caseload statistics for fiscal years 1987 and 1996. (Our analyses excluded traffic cases, which accounted for 44% of the cases filed Statewide in fiscal year 1996, because most traffic cases are fines that are paid and never come before a judge.) The number of cases a judge handles doesn't reflect his or her full workload because of differences in the type and complexity of cases being handled, and the differences in such things as travel time, the need to use interpreters, the use of senior and retired judges (which aren't counted in caseload figures), and the like. For example, a criminal misdemeanor case that takes 3 hours to hear doesn't take the same amount of judicial effort as a felony trial that takes 3 days to hear, but each is counted as a single case.

A "weighted" caseload system would take many of these differences into account, and provide a much more accurate picture of a judge's real workload. The Office of Judicial Administration currently doesn't have such a system. (Its requests for \$200,000 in fiscal years 1992 and 1993 to have the National Center for State Courts study the judicial workload and possibly establish a weighted caseload system were

denied by the Legislature.) Instead, the Office collects and reports on information from the district courts on such things as the number of cases filed and disposed of, and the length of time to process them. Although caseload information is useful to individual districts for managing their case flow and identifying cases that aren't progressing through the system, it doesn't accurately reflect judges' activities, and isn't very useful in making decisions about where and how to allocate staff resources.

Because workload information isn't available, we've reported on caseload information throughout this audit. Caseload information does provide a relative measure of judicial activity, and large differences in caseloads likely mean there are real differences in judicial activity. However, the reader needs to understand that some of the differences in caseloads described in this report may not be "real," if other factors could be taken into account. The box at right provides more information about weighted caseloads. Appendix A provides information on how surrounding states allocate positions in their courts.

The caseload statistics available from the Office show that caseloads still vary greatly. In 1987, they ranged from 245 to 1,460. In 1996, judges' caseloads ranged from 350 to 2,322. Caseload information by district is presented in Appendix B.

To identify the extent to which differences still exist between urban and rural districts, we divided the 31 judicial districts into three groups—small, medium, and large—based on the number of non-traffic cases filed in those districts. (The map on page eight shows how districts were classified.) As the following table shows, judges in large-volume districts still are handling more than twice as many cases as judges in small-volume districts. This has occurred even though more new judges were added to the larger districts than to the other 27 districts combined.

Caseload Increases for Judges (Excluding Traffic)							
Fiscal Year 1987 - 1996							
Volume of Cases Filed annually	Fiscal Year 1987			Fiscal Year 1996			Staff per Judge
	No. of Judges	No. Of Cases	Cases per Judge	No. Of Judges	No. Of Cases	Cases per Judge	
Small (18 districts) (2,000 - 5,500 cases)	95	51,131	538	95	70,452	742	4.4
Medium (9 districts) (6,200 - 11,000 cases)	53	43,424	819	57	66,761	1,171	5.4
Large (4 districts) (17,000 - 31,000 cases)	<u>68</u>	<u>88,865</u>	<u>1,307</u>	<u>73</u>	<u>118,878</u>	<u>1,628</u>	8.5
Statewide	216	183,420	849	225	256,091	1,138	

Measuring Workload Using a Weighted Caseload

Judges and court staff spend more time, on average, on a divorce case or felony case than on a small claims case. This seems obvious, but when workload is measured only by the number of cases, this difference is ignored. Counting only the number of cases a court hears also ignores these factors:

- Differences in travel time. Although most judges from multi-county districts who responded to a survey conducted for this audit reported they spend little time traveling between counties, a few reported spending up to eight hours a week.
- Time spent on language interpretation. Cases that require a language interpreter take at least twice as long to hear.
- Distribution of work. Different types of cases don't require the same proportion of time for judges and for non-judicial staff. For example, debt collection cases take minimal time for a judge to hear but require the clerk's staff to process much paperwork.

A weighted caseload is the method recommended by the National Center for State Courts as the best, most cost-effective way to take these differences into account when determining the need for judges or support staff.

The "weight" is a means to compare the amounts of effort required to perform certain activities. Simply put, if a divorce case takes more time than a small claims case, a divorce case would have more weight than a small claims case. If two courts have the same number of cases but the types of cases and therefore the total weights of those cases aren't the same, their workloads aren't equal.

Two main methods are used to determine the weight to assign to each type of case or activity, both of them based on time. One uses estimates, the other uses documented times.

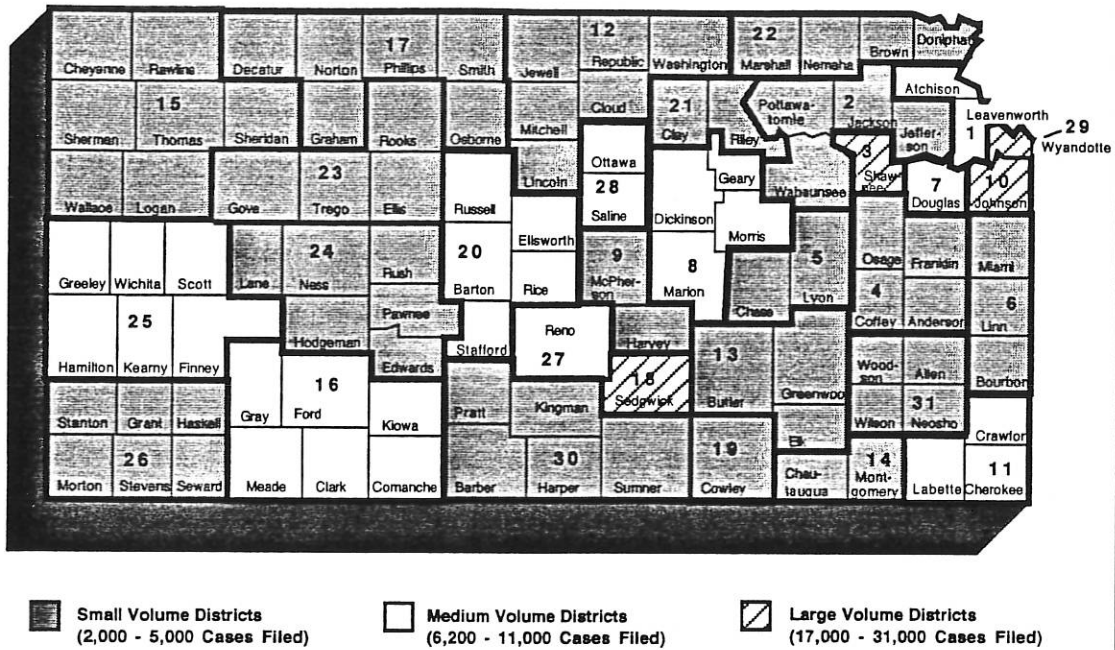
- People who perform the work estimate how much time it takes. For example, clerk respondents might agree on an estimate of 30 minutes to finish all the work required to file a small claims case.
- A sample of judges and court employees who perform the work log the actual time spent on each aspect of a case, or a researcher logs it for them. From those actual times, an average can be determined. For example, Missouri found that the filing of a small claims case used an average of 36 minutes of clerk time.

The logs and estimates can include time for activities such as translation and post-judgment work (e.g., garnishments, post-divorce custody hearings) that are required for specific cases. They also can include time spent on tasks not associated with specific cases, such as administrative work, travel, and general interaction with the public. A weighting system can include other factors, such as the amount of time-saving automation available in the court.

Court administrators can use the total weighted caseload to determine whether staffing is adequate. For example, if a district's cases could be expected to take more time than the district's judges have available, the district could be expected to need more judges to keep up with its cases. A complete system also could take into account retired and senior judges available to each district and occasional temporary staff used in clerk offices.

When asked whether they would prefer the use of a weighted caseload to help determine whether workloads across the state are equitable, a third of the judges who responded to a survey conducted for this audit said "yes," a third said "no," and a third offered no opinion.

Case Volume in the Districts



Court officials told us they haven't attempted any wholesale reorganization of judicial personnel to try to equalize judges' caseloads because of statutory constraints on their ability to do so. State law specifies where judges will be located, so the Judicial Branch can't reassign judges permanently without legislative change. The Chief Justice of the Supreme Court, although the administrative head of the judicial branch, has limited control over the allocation of judicial resources. State law requires each county to have at least one judge of the district court who is a resident of, and has the judge's principal office in, that county. In 1991, 1992, and 1996, bills were introduced that would eliminate this requirement, but none of those bills were passed by the Legislature.

In addition, State laws list the counties that will have district magistrate judge positions, and also specify the number of district judge positions in each district. In some cases, the law further identifies, by county, where the district judge positions will be located.

The Court can and does temporarily reassign judges between districts, but does so on a fairly limited basis because of the political constraints of reassigning judges who are elected or appointed to serve specific counties. State law provides the flexibility for judges to be moved temporarily to provide assistance to other counties and districts. Every judge has the authority to hear cases anywhere within his or her district, and can hear cases in other districts when directed to do so by a Supreme Court Justice.

The Supreme Court temporarily reassigns judges between districts, primarily to provide assistance during vacations, during extended sick leave, or for cases when

a judge has to disqualify himself or herself, and occasionally to help a district that is falling behind in processing its cases. During this audit, we sent surveys to the State's 225 judges. We received responses from 147 judges, for a 65% response rate. In response to our survey, judges indicated they spent about four days a year on temporary assignment to other districts. Appendix C contains a summary of survey responses.

However, because judges are either elected by voters from a specific county or district, or are appointed by the Governor for a specific county or district after being nominated by a committee representing citizens of that county or district, it is politically unfeasible to reassign judges between districts on a temporary basis for an extended period of time.

On the other hand, administrative judges in multi-county districts often bring district magistrate judges into the busiest court within their district to work one or more days per week. In response to our survey, judges from multi-county districts reported they spent about one day each week hearing cases in other counties within their district.

During our visits to district courts, however, some administrative judges pointed out practical considerations they say must be taken into account. For example, in District 25, Finney County (Garden City) has by far the greatest number of cases filed in the district. District magistrate judges from throughout the district work one day a week in Garden City, but the magistrates in Greeley and Hamilton Counties each drive across two counties and a change in time zone to get to work on those days. Further, it isn't practical to temporarily reassign judges from the smaller districts to larger districts with high caseloads that are located far away.

The Court also uses retired judges to hear cases for the district courts to help with workload. This can be done either on a temporary basis, for which the judges receive a daily stipend of \$138, or, in a few cases, judges have been granted "senior" status, which means they've signed a contract to work 40% of the year for a stipend equal to 25% of the salary of a district judge. (The senior judges program was approved by the 1995 Legislature, and received initial funding in fiscal year 1996.) As noted in the overview, in fiscal year 1997 the judicial branch funded nearly 400 days of retired judges (equal to about 1.5 full-time judges) and seven senior judges (equal to about 2.3 full-time judges) to help district courts.

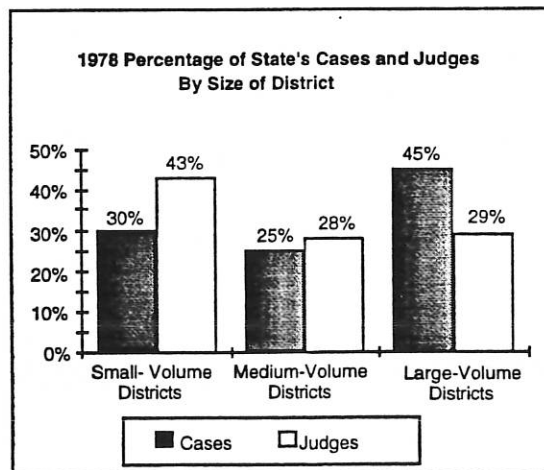
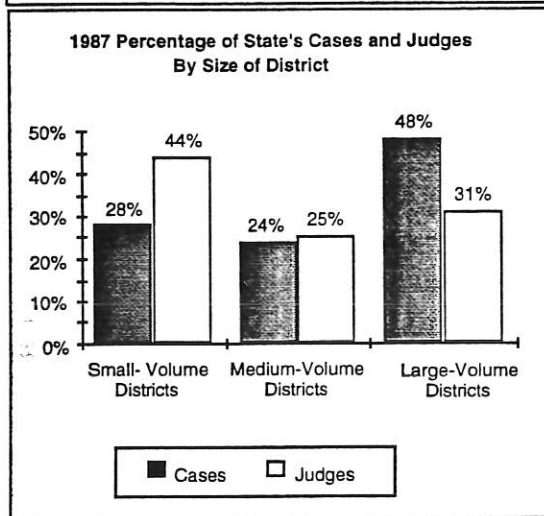
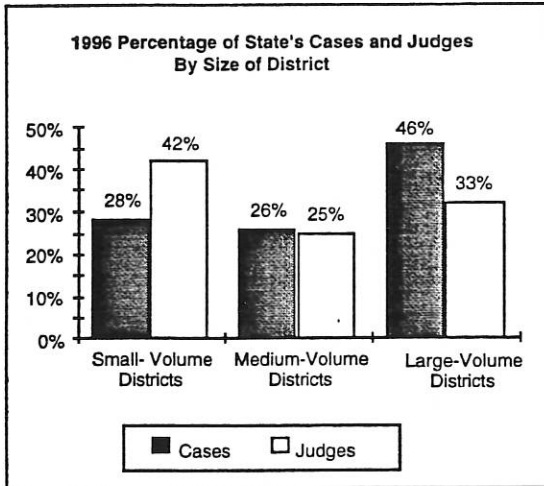
Because of the statutory constraints placed on judges' locations, court officials told us they've focused their efforts on adding new positions to the district

Training for New Magistrate Judges

Because district magistrate judges are not required to be attorneys, and only need a high school education, the Office of Judicial Administration has developed a series of training classes for them about court procedures. For example, during a recent three-month period, new magistrate judges attended 10 days of training. Magistrate judges also attend a three-day class to review the material before they take the certification exam.

In addition to the formal training classes, an official at the Supreme Court said almost all of the magistrate judges participate in a voluntary mentoring program that matches a veteran judge to a new magistrate judge. Magistrate judges also receive a handbook outlining the procedures for the different types of court cases.

However, one magistrate judge told us that the training was not adequate for someone just starting out, and that more detailed procedures would have been helpful.



As shown in the above three graphs, the small-volume districts have a higher share of the State's judges compared to their share of cases filed in the State, while the large-volume districts have a low share of the judges compared to their cases.

courts they think have the greatest need. According to court officials, new judges and non-judicial staff have been added over time based on an assessment of which districts seem to have the greatest need, and what can reasonably be requested in the budget.

Various court staff review case-load data, but as described earlier in this report, the judicial branch doesn't have a way to measure which courts actually have the greatest workload. The Court's personnel officer—who plays a key role in the decision—noted that each situation is unique, and that she must use her experience with the courts and various pieces of information to decide if a judicial or non-judicial position should be requested.

Since 1987, the number of authorized judgeships has increased by 4%, from 216 to 225, while the number of cases filed has increased by 40%. As can be seen from the table on page six, since 1987 the spread between caseloads in small and large districts has shrunk somewhat—in 1987, large districts had almost two and one-half times the caseloads of small districts; by 1996, that spread had shrunk to just over two times. Thus, adding new judges has helped equalize caseloads somewhat.

The Court has more flexibility to permanently reallocate non-judicial staff positions, although it has tended to move positions to different courts within a district, rather than across districts. State law requires the administrative judge for each district to appoint a clerk of the court for each county in the district. Court officials have decided that 1.5 staff positions is the minimum needed to maintain a clerk's office, regardless of workload, because of the

need to cover vacations, sick leave, and the like. Court officials told us that, although they have permanently reassigned a few positions to different courts within a district, they seldom move positions across districts.

The district administrative judges have the authority to move non-judicial staff within their districts. In our survey, clerks from 11 districts reported they share staff between offices, either regularly or on an as-needed basis. Small districts said they use this method to cover when a staff member in an office of 1.5 or 2 people is absent.

Because of the Statutory Constraints on Moving Judges Permanently to Areas Where Caseloads Are Higher, Districts With Fewer Cases Filed Still Have Proportionately More Judges Than Districts With a Greater Number of Cases Filed

The charts on page 10 compare district case filings to judgeships over time. As these charts show, there's been very little change in the proportion of judgeships to cases filed in the small, medium, and large districts since unification. The small-volume districts have a disproportionately high share of the State's judges compared to their share of cases filed in the State, while the large-volume districts have a disproportionately low share of judges compared to the number of cases they handle.

For a variety of reasons, judges in larger districts should be able to handle more cases than judges in smaller districts. These include the following:

- *economies of scale.* Large-volume districts simply have more of everything they do than smaller districts, and so can group activities together to process cases more efficiently.
- *specialization.* Judges can be assigned to a particular type of caseload (i.e., civil, criminal, juvenile) for some period of time, which maximizes their familiarity with statutes and case law relevant to that area.
- *geography.* Judges in larger districts generally don't have to travel, while judges in smaller, multi-county districts sometimes have to travel from county to county.
- *staff resources.* As the previous table showed, large-volume districts in Kansas have significantly more staff per judge than smaller districts—8.5 compared with 4.4. In some counties, district magistrate judges reportedly do all their own clerical work, while in the large, single-county districts, every judge has an administrative assistant and other staff to help process cases.

We couldn't find any standard criteria that would suggest how many more cases judges in large districts should be able to handle than judges in smaller districts. However, during our survey of surrounding states, Colorado officials told us that within their weighted caseload system, they assume large urban districts are able to handle 20% higher caseloads than rural districts, in part because of economies of scale. In Kansas, judges in larger urban districts are handling more than twice as many cases as judges in smaller-volume districts. Thus, there's far greater discrepancy than might be expected.

Because Judges Caseloads' Have Increased Significantly Over Time, District Courts Have Taken a Number of Steps To Become More Efficient, but They Seem To Be Falling Behind in Keeping Up With Their Caseloads

Judges' caseloads have increased significantly since 1987. As the following table shows, Statewide, judges are handling 34% more cases than they handled 10 years ago. The largest increase has been in the medium-volume districts. This is because, although both medium and large districts had a 7.5% increase in judges over the 10-year period, the number of cases filed in medium-sized districts increased by a greater amount (54%) than they did in the large districts (34%).

**Increases In Caseload Per Judge
Fiscal Year 1987 to 1996**

Volume of Cases Filed Annually	Caseload per judge		% increase in caseload
	FY 1987	FY 1996	
Small (18 districts) (2,000 - 5,500)	538	742	38%
Medium (9 districts) 6,200 - 11,000)	819	1,171	43%
Large (4 districts) (17,000 - 31,000)	1,307	1,628	25%
Statewide	849	1,138	34%

In addition to surveying the State's judges, we also sent a survey to the chief clerk or court administrator in each of the 31 judicial districts. We received responses from 28 of the 31 chief clerks, for a 90% response rate. The clerks who responded covered 97 of the State's 105 counties.

Among other things, our surveys asked judges and clerks to list the most effective actions their courts have taken to improve their efficiency in processing cases. They cited a number of factors, including streamlined processes and improvements in technology, as follows:

Actions taken to streamline case processing:

- 26 judges responded that they'd improved the way they assign and schedule cases, so that the cases can be heard more quickly. An additional 13 judges said they are scheduling routine cases for a single block of time. The profile on page 13 shows how Shawnee County and Sedgwick County have changed their methods for assigning and scheduling certain types of cases to save time.
- Using alternatives to a trial—23 judges responded that they are using mediation, alternative dispute resolution, and conferences with attorneys and parties to resolve cases, or at least to help move the cases through the courts more quickly and smoothly.

Actions taken with improved technology:

- Expanding use of computers—28 judges said that improved computer technology was one of the most effective actions their courts had taken. For example, judges said computers and statistical reports from the computer files allow them to monitor cases more closely. Eleven district clerks said computerization of case management activities had improved their efficiency, and 12 district clerks cited computerized accounting systems.

Three districts also said they'd begun sharing a computer database with other offices. By doing so, the courts can avoid having to re-enter data about a case that the sheriff's office already entered. The profile on the next page describes such a system used in Johnson County. Several clerks told us their courts have added computer terminals the public can use to access certain types of case information. Two counties are using imaging systems to store records, according to clerks who oversee those counties.

- Using fax machines—Judges and clerks said their courthouses were increasing their use of fax machines. The courts are allowing attorneys to fax their filings, and some of the judges are faxing orders and warrants. Several clerks commented that having documents filed by fax increased their efficiency by reducing the amount of time they spent interrupting their work to go to the counter to take documents from attorneys.

How Urban Districts Save Time

Shawnee County limited action docket

Urban areas often cluster high-volume, routine cases to save time. For example, the district court in Shawnee County recently streamlined its limited actions docket so that defendants move quickly through the court process. Now, the limited actions docket, typically debt cases, is processed at the Kansas Expo-centre. Without leaving the building or waiting to have their names called, the defendants talk to court staff, the law office representing the creditors, and, if necessary, a judge, simply by walking to the appropriate tables. If the defendant has a legal defense and wants a trial, a court date is set up. In the past, defendants often had to wait several hours until they were called, one-at-a-time, to go before the judge in a standard courtroom.

Shawnee County has an estimated 22,000 new cases and 100,000 on-going limited action cases each year. By making changes in the way these cases are handled, the district court spends only about two hours hearing these cases each week, instead of the 2.5 days court staff used to spend on them.

The District Administrative Judge said that when the new process was being developed, people were concerned debtors wouldn't take it seriously if they weren't called before a judge in a black robe in a formal court setting. However, he said

they haven't seen any changes in the number of debtors attending the docket and following the payment plan. In contrast, he said he has seen a reduction in the debtor's anger and frustration with the court.

Sedgwick County master calendar

In an effort to process cases faster, the district court in Sedgwick County uses a master calendar to schedule court cases. Instead of an entire case being assigned to one judge, the presiding judge for each department assigns the different stages of a case proceedings to different judges. For example, one judge will conduct the preliminary hearings, and another judge will conduct the sentencing for the case. However, the actual trial will be assigned to just one judge.

As a result of the master calendar, cases move through the courts quicker because they aren't delayed if a judge is sick or busy. In most courts, if a judge is sick, all parties of the case must be contacted to reschedule the case for another time. In Sedgwick County, if a judge is sick, the court can reassign another judge to hear the case at the scheduled time. According to the National Center for State Courts: "...the Wichita court on several measures of civil case processing disposed of its cases faster than 25 other metropolitan courts..."

- Using teleconferencing—23 judges reported that they'd increased their use of teleconferencing for many pre-trial meetings. Increased teleconferencing saves travel time and often allows cases to be scheduled quicker. Several courts also have begun using videoconferencing for certain types of hearings, which may offer greater efficiencies in the future.

Despite these improvements, district courts appear to be falling behind in keeping up with their caseloads. To see how well district courts have been able to keep up with case filings, we looked at a measure suggested by the National Center for State Courts, called "clearance rate." Clearance rate is calculated simply as the number of cases disposed of, divided by the number of cases filed. As recommended by the Center, we calculated a three-year average to compensate for annual fluctuations. The clearance rate is based on civil, criminal, and juvenile cases, which make up about 85% of all cases filed.

The measure isn't perfect. For one thing, there's no way to know whether judges worked 14-hour days or 6-hour days to achieve their clearance rates. It does, however, give a general idea of whether districts are falling behind. The graph at right shows the average clearance rates in 1987 and 1996 for the small-, medium-, and large-volume districts.

Johnson County Has Developed an Integrated Criminal Justice Information System

Information about suspects and defendants in District 10 (Johnson County) is integrated into a computer database that can be accessed by major players in the local justice system: the district attorney's office, the sheriff's office, the clerk of the court's office, each court, the adult probation office, and the community corrections office.

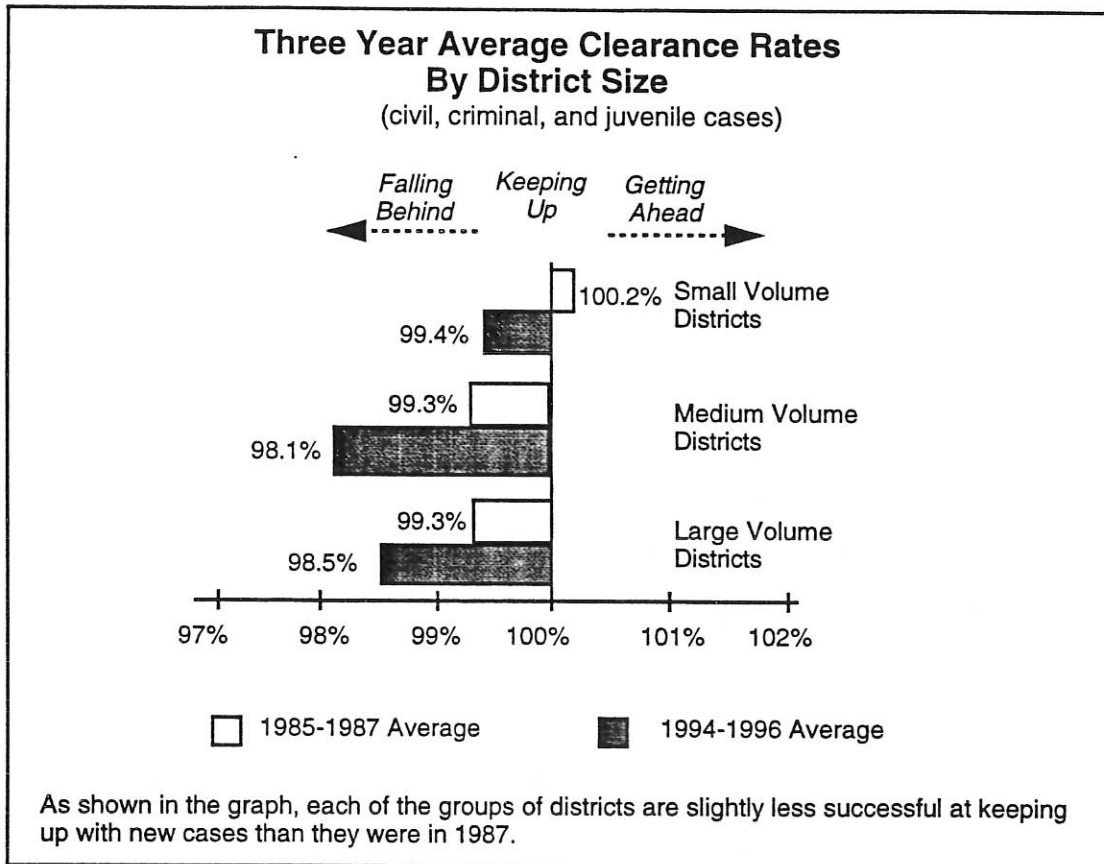
So far, criminal and traffic cases are on the system. District attorney's office information about juvenile cases is already available, and more will be added. Information on civil cases is expected to be included in about a year. Personnel in all of the offices except community corrections can add information to the system. The sheriff's office is responsible for information about aliases.

The system's main advantage is the sharing of information. For example, the court can learn very quickly whether charges against an individual are pending in another case, or the adult probation office can learn almost immediately what happened in court. Previously the sheriff's office, the district attorney's office, and the courts each had a separate system.

The system was developed using consultants under the direction of a project management team. The estimated cost, \$2.7 million, is being paid by the county.

As the graph shows, even with the efficiencies that have been instituted, all three groups of districts are slightly less successful at keeping up with new cases than they were in 1987. The small-volume districts, which have the lowest caseloads per judge, have been the most successful at keeping up with their work; medium-volume districts have been the least successful. (It's important to note that any assistance district courts receive from senior or retired judges or county-funded temporary judges aren't reflected in the caseload data, even though the work they do favorably impacts the districts' clearance rates.)

Even though the percentages seem small, they represent many cases. For example, the Statewide average clearance rate of 98.6% for fiscal years 1994 through 1996 means nearly 3,000 more cases were filed in each of those years than were heard. And, by the end of the third year, the backlog had grown by more than 8,800 cases.



Increasing Caseloads Have Caused Services To Be Cut Back In Some Offices of the Clerk of the District Court

The Office of the Clerk of the District Court is the place most people have contact with the court system. The Clerks are the official custodians of all court records, and so are responsible for ensuring public access to those records. They also enforce orders of garnishment and income withholding. In addition, they account for money judgments that pass through the court, as well as collect, account for, and forward to the State Treasurer's Office money due to the State from court collections. And, in most courts, the Clerk is the budget and fiscal officer, and handles statistical reporting to the Office of Judicial Administration.

Services in some offices of the Clerk of the District Court have been curtailed because of increases in workload. Like judges, non-judicial staff also have tried to cope with increases in case filings (40% between 1987 and 1996) that grew faster than increases in staff (7% for the same time period). One of the concerns raised when this audit was approved was whether the public was receiving adequate service from one segment of the non-judicial staff, the clerks' offices.

In response to our survey, a few districts reported they were providing more services, but most said they were doing less for the public than in the past, as follows:

- Eight respondents said people who request services such as having copies made or files retrieved must wait longer to receive them. For example, District 7 (Lawrence) told us attorneys must wait 24 hours for a file, and District 9 (Newton) said clerks ask for a three-day time period in which to make copies.
- Five districts told us they require additional document work from attorneys. For example, the clerk's office may require the attorney to provide prepared paperwork for a summons or a copy of a journal entry.
- Districts 14 (Coffeyville) and 21 (Manhattan) told us they distribute child support moneys only by mail, rather than allowing parents to pick up the payment at the clerk's office. District 14 said it no longer answers questions about child support payments by telephone, and District 21 said it now answers telephone questions about child support payments only 4 hours a week.
- Information that the clerks would give by telephone five years ago now must be requested in person or in writing in some of the offices. For example, District 2 (Wamego) said it gives no case information by telephone unless the litigant has no attorney.

Service increases include expanded office hours in at least one courthouse in three districts. In addition, the respondent from District 22 (Hiawatha) wrote, "We are possibly performing more services by making computer access so easy for the public."

Hours of operation aren't a problem in most districts. Overall, it appears that the Clerks' offices are open to the public during regular business hours, and a majority are open during the lunch hour.

hours of operation	number of offices with those hours	open or closed over lunch hour?	number of hours service is provided*
8 a.m.- 5:00 p.m.	85	46 open	9
		39 closed	8
8 a.m.- 4:30 p.m.	7	6 open	8.5
		1 closed	7.5
8:30 a.m.- 5:00 p.m.	2	2 open	8.5
8:30 a.m.- 4:00 p.m.	2	2 open	7.5
8:00 a.m.- 4:00 p.m.	1	1 open	8
7:30 a.m.- 4:30 p.m.	1	1 closed	8

* assumes an hour-long lunch hour

Office hours have changed in the past five years in some counties. Hours have been reduced in two offices, and in District 4 (Ottawa), we were told office hours are reduced when there is a staff shortage. Respondents who closed early typically said they did so in order to reconcile their books without interruption. On the other hand, three districts reported that at least one courthouse in the district had increased its hours of operation in the past five years.

Only one office, which is open from 8:30 a.m. to 4 p.m., reported receiving complaints “frequently” about the hours of operation. Based on survey results, complaints were received “occasionally” in 3 offices, “seldom” in 34, and “never” in 58.

Despite the Current Statutory Barriers To Changing the Location of Judges, the Courts Could Make Additional Changes To Operate More Efficiently

Some factors that contribute to inefficiencies in the judicial system will be hard to change on a permanent basis, and would require a major effort by the Supreme Court or the Legislature. As described earlier, these include the fact that State law requires a judge in every county, lists the counties that will have district magistrate judge positions, specifies the number of district judge positions in each district, and in some cases, identifies by county where the district judge positions will be located.

In addition, because judges are elected or appointed to represent a specific area, shifting them for an extended time period to areas with greater need can be problematic. (In contrast, a Colorado official told us the Colorado Court freely assigns its elected judges to work part-time in other nearby areas if the need exists to do so.) Further, the heaviest caseloads are in the urban areas of the State, often far removed from judges with lower caseloads.

Future Study of Kansas Courts

Since the unification of the courts, Kansas has seen changes in crimes, society, and court services. Some people think it may be time to look at the whole court system to see what is needed to address these changes. To this end, the Kansas Supreme Court is proposing a privately financed study, the Kansas Justice Initiative, which would study the Kansas judicial system and the manner in which civil justice is dispensed throughout the State. Some of the proposed issues include the efficiency, quality, and fairness of the justice system. The Kansas Bar Association supports the idea, and its officers are actively discussing the study and appointments to the study group with the Governor and with legislative leadership.

Finally, five counties—Crawford, Labette, Montgomery, Neosho, and Cowley—each have two courthouses. In some cases, this situation evolved because the county had a populous city that wasn’t the county seat. In other cases, it was because the county had two competing populous cities. Regardless of the reason, it is less efficient to staff two district courts in a county, including the clerk’s office, than to staff one larger office.

Even within these constraints, through our surveys, visits to districts, conversations with judges and non-judicial staff, and observations, we identified additional options the Supreme Court or the Legislature should consider in assessing how the courts could operate more efficiently. (The Supreme Court has recently proposed a broad-based review of the entire operations of the judicial system, as described in the profile above.) The options listed below appear to have merit, although many of them

will need to be reviewed in further detail to determine whether they are cost-beneficial for the court system. The options are grouped according to whether they could be done within existing resources, or whether additional resources would be required.

Changes that could be made within existing financial resources

- *Clarify whether judicial orders can be issued by fax machine.* The Rules of the Supreme Court allow attorneys to file cases by facsimile, and consider a facsimile signature valid. The Rules don't specifically address whether judicial orders can be issued by facsimile. Judges in some districts are transmitting orders by fax machine, while others don't think they have the authority to do so. If judicial orders can be issued by facsimile, emergency orders, such as search warrants and protection from abuse orders, would no longer require a judge to be physically present.
- *Publish a newsletter or some other vehicle for sharing innovative ideas between districts.* Identifying good practices, and then communicating them to court staff across the State, could help the districts operate more efficiently with existing staff. Although the Office of Judicial Administration will conduct a productivity review of a district court if one is requested by the administrative judge for that district, there doesn't appear to be any systematic way to share information about what's working well for the districts.

Changes that could be made with additional financial resources

- *Consider State funding to improve the court's computer technology.* Judges and clerks told us they want compatible, standardized software and a network system to link their computers throughout the courts. The computer network would allow staff to use e-mail and transfer case information and statistics electronically between courts. Clerks from small districts reported the most interest in scanning records and allowing the public greater use of terminals to access case information. Clerks from medium-volume districts were more interested in e-mail and computer networks.

County funding for the operations of the district courts makes it nearly impossible to achieve uniformity in an area such as computerization. Different counties operate different types of computer systems and have different levels of ability and willingness to fund equipment for their court. It took State and federal funding to achieve uniform computer equipment for child support collection and accounting in the district courts. The Office of Judicial Administration is currently working on a new caseload reporting system they hope will operate on the child support computers. It is possible that the federally-funded, multi-million dollar upgrade to the Criminal Justice Information System will result in additional computer capabilities for the district courts, but additional State monies may be needed to support specific applications.

- *Consider relying more on district magistrate judges, senior judges, or retired judges when additional judicial resources are needed in districts that currently have only district judges.* In response to our survey of judges, nearly 40% of the respondents thought more judges were needed (although 80% thought more non-judicial staff were needed, as is discussed below). If more judges are to be added to the system, district magistrate, retired, and senior judges are a very cost effective way to handle high-volume, less complex cases. District magistrate judges receive an annual salary of \$38,000, compared to \$81,000 for a district judge. As noted earlier, retired judges earn \$138 per day, while senior judges operate under a contract in which they agree to work 40% of the year for a stipend equal to 25% of the salary of a district court judge.

In the nine districts that have only district judges, approximately 68% of the cases filed (79% when traffic is included) could be heard by district magistrate judges. Those districts are District 1 (Leavenworth), District 3 (Topeka), District 7 (Lawrence), District 9 (Newton), District 10 (Olathe), District 18 (Wichita), District 19 (Arkansas City), District 27 (Hutchinson), and District 29 (Kansas City).

In response to our survey of judges, there was very little support for converting existing district judge positions to district magistrate judge positions, or vice-versa. Currently, statutes allow a magistrate position to be converted to a district judge position under certain circumstances, but there is no similar provision for converting a district judge position to a district magistrate judge position.

- *Consider increasing access to mediation.* Greater access to mediation could reduce the time cases spend in court but, typically, there is no funding available for this service. Mediation involves jointly working with the parties involved in the case to try to work things out beforehand. It is frequently used in divorce cases, particularly those involving child custody, to get the participants involved in developing an acceptable solution rather than fighting it out in court. Some districts use court services officers for mediation, but this means they have less time for their other duties, such as supervising probationers. In some districts, private attorneys or social workers are available to provide mediation services, however, the parties in the case must have sufficient financial resources to pay for the service.
- *Consider ending the hiring freeze.* In response to budget shortfalls, the Supreme Court has instituted a 60-day hiring freeze. Each time a position comes open because of retirement, resignation, or death, it must be left vacant for 60 days before it can be filled. During our visits to districts, judges and clerks frequently mentioned the morale problems and disruption of work caused by the 60-day hiring freeze, and many survey respondents commented on it as well.

- *Consider increasing the number of non-judicial staff.* Overall, 80% of the judges responding to our survey said increasing the number of non-judicial staff would help their courts process cases more quickly. Of the types of non-judicial staff, additional positions for the clerk's office were ranked most highly (with the large-volume districts identifying this most frequently and the small-volume districts identifying it less frequently), followed by the need for more court services officers. In addition, improved access to legal research could save time for judges. Judges not located near one of the State's two law schools typically don't have access to law clerks for legal research. A central pool of law school graduates that could be accessed by judges across the State by phone could help fill this void.
- *Consider State funding to develop workload statistics.* Many of the options listed above for improving court operations involve additional staff or different types of staff. To make the most effective use of any additional staff resources, the Supreme Court needs an objective way to measure workload in the district courts.

Conclusion

As long as State law specifies where and what type of judge will be located in each county or district court, the judicial branch's ability to reassign judges and other staff resources to most efficiently carry out the work of the district courts will be extremely limited. The Legislature hasn't been willing in the past to change the requirement for a judge in every county—any change now would require strong support from and cooperation between the Legislature and the Court.

The Court also is hampered by a lack of workload data, which would give a much better picture of each judge's actual effort in carrying out his or her responsibilities in different parts of the State. Having workload data under the current statutory constraints wouldn't allow the Court to permanently reassign judges to the areas of greatest need, but it could allow the Court to make better decisions when it temporarily reassigns judges to help process backlogs of cases, or when it's considering the need to request additional judge or staff positions.

Although this report has shown there are still significant differences in judges' caseloads, and judges in urban districts have significantly higher caseloads than judges in rural districts, judges in all districts are now handling an average of 34% more cases than they did 10 years ago. Judges in medium-sized districts actually have seen the largest increase in this area, partly because of the explosive growth in such areas as Garden City and Dodge City during the past decade. Because of the statutory lim-

itations on moving judges, this report has focused on ways the courts can use resources more efficiently and effectively. The only other viable options are adding new staff resources—either judicial or non-judicial. If some actions aren't taken, the figures presented in this report suggest the district courts could continue to fall further and further behind in processing the cases filed in their courts.

Because most of the potential improvements we identified in this report will cost money, these issues need further study to decide what actions are most desirable and cost-effective. The proposed study group—the Kansas Justice Initiative, with members appointed by the Legislature, the Supreme Court, and the Governor—could be an appropriate group to review all of these issues, including options for improving court operations.

Recommendations

1. To help improve efficiency of court operations on an immediate basis, the Supreme Court should do the following:
 - a. Determine whether the concept of issuing judicial orders by facsimile is allowable, and if so, immediately notify all judges of the district court of its decision.
 - b. Begin distributing to the district courts, on a regular basis, information about specific practices individual districts have adopted to save time or resources .
2. The Kansas Justice Initiatives study group, or representatives of the Legislature, the Supreme Court, and the Governor's Office, should review in detail the options available for improving the efficiency of the district courts, including those identified in the report. The options we identified include the following:
 - a. State funding of the court's computer technology.
 - b. Increasing the use of magistrate, retired, and senior judges when additional judicial resources are needed.
 - c. Funding to increase the availability of mediation or other alternative dispute resolution measures.
 - d. Additional funding or other actions to end the hiring freeze.
 - e. Increasing the number of non-judicial staff, particularly in the offices of the clerks of the district courts. Additional court services officers, administrative assistants, and law clerks should also be considered.

Based on this review and discussion, the Supreme Court should identify any additional equipment, staffing, or financial resources it determines are needed to cost-effectively address the increasing backlog of unprocessed cases in the district courts. As appropriate, it should request those resources in its fiscal year 2000 budget.

3. The Supreme Court should review its need to develop workload management information, and should again request funding for such a system. The Legislature should give strong consideration to funding such a request, so that both bodies can make informed decisions about the appropriate allocation of judicial and non-judicial staff resources.

APPENDIX A

How Surrounding States Allocate Personnel

Surrounding states vary in their methods of determining how personnel are allocated among courts, court officials in those states told us. Below are some highlights of each state's personnel allocation system.

	Missouri	Nebraska	Colorado	Oklahoma	Iowa	Kansas
judges						
how need is determined	formula based on population	county court requests personnel; local conditions are considered	formula using weighted workload system shows number of judges needed	district court requests personnel; local conditions are considered	formula for district judges based on population and case filings; formula for district associate judges based on population	district court requests personnel; local conditions are considered
is each county assured a judge?	judge is assigned to a circuit	only court services are assured for each county	district judge may split time between districts; state also has county judges	associate judge elected in each county	at least one magistrate; district judges routinely rotate	yes, either a district judge or a magistrate judge
court clerk staff						
how need is determined	number in each circuit is based on weighted workload system	county court requests personnel; local conditions are considered	number in each court is based on weighted workload system	district court requests personnel; local conditions are considered	number in each court is based on case filings	court requests personnel; local conditions are considered
is a minimum number assured?	yes (2 per court)	no	yes (1.25 per court)	yes (number at unification)	yes (2.5 per county)	yes (1.5 per county)
basic court organization						
	<ul style="list-style-type: none"> •Supreme Court •Court of Appeals •Circuit Court 	<ul style="list-style-type: none"> •Supreme Court •Court of Appeals •District Court •County Court 	<ul style="list-style-type: none"> •Supreme Court •Court of Appeals •District Court •County Court 	<ul style="list-style-type: none"> •Supreme Court •Court of Appeals •District Court 	<ul style="list-style-type: none"> •Supreme Court •Court of Appeals •District Court 	<ul style="list-style-type: none"> •Supreme Court •Court of Appeals •District Court

APPENDIX B

District Statistics for Fiscal Year 1996

District Number	Major City	Number of Cases Filed (excluding traffic)	Number of Judges			Number of Non-Judicial Staff	Cases Filed per Judge (excluding traffic)	Cases Filed per Staff (excluding traffic)	Staff Members per Judge
			District Judges	Magistrate Judges	Total				
1	Leavenworth	6,812	5	0	5	34.0	1,362	200	6.8
2	Wamego	3,701	2	3	5	19.5	740	190	3.9
3	Topeka	32,510	14	0	14	146.5	2,322	222	10.5
4	Ottawa	4,741	3	2	5	28.0	948	169	5.6
5	Emporia	4,555	3	1	4	25.0	1,139	182	6.3
6	Fort Scott	4,682	3	1	4	22.0	1,171	213	5.5
7	Lawrence	6,932	5	0	5	28.0	1,386	248	5.6
8	Junction City	10,829	5	2	7	42.5	1,547	255	6.1
9	Newton	4,075	3	0	3	26.0	1,358	157	8.7
10	Olathe	24,963	18	0	18	137.0	1,387	182	7.6
11	Pittsburg	7,074	6	1	7	37.5	1,011	189	5.4
12	Concordia	2,494	1	6	7	19.0	356	131	2.7
13	El Dorado	4,627	3	2	5	31.0	925	149	6.2
14	Coffeyville	5,324	3	1	4	23.0	1,331	231	5.8
15	Colby	2,800	2	6	8	21.2	350	132	2.7
16	Dodge City	6,483	3	5	8	28.5	810	227	3.6
17	Norton	3,273	1	6	7	16.0	468	205	2.3
18	Wichita	39,647	25	0	25	207.5	1,586	191	8.3
19	Arkansas City	3,293	3	0	3	16.0	1,098	206	5.3
20	Great Bend	6,238	3	4	7	40.0	891	156	5.7
21	Manhattan	4,782	3	1	4	24.5	1,196	195	6.1
22	Hiawatha	2,586	2	3	5	22.3	517	116	4.5
23	Hays	3,545	2	3	5	17.0	709	209	3.4
24	Larned	2,494	1	6	7	21.5	356	116	3.1
25	Garden City	9,614	4	5	9	33.0	1,068	291	3.7
26	Liberal	4,623	2	5	7	24.0	660	193	3.4
27	Hutchinson	6,267	4	0	4	28.0	1,567	224	7.0
28	Salina	6,512	4	1	5	33.5	1,302	194	6.7
29	Kansas City	21,758	16	0	16	128.5	1,360	169	8.0
30	Pratt	4,458	4	3	7	35.0	637	127	5.0
31	Iola	4,399	3	2	5	26.5	880	166	5.3
Statewide		256,091	156	69	225	1,342.0	1,138	191	6.0

24.

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APPENDIX C

Summary of Survey Responses from Judges and Clerks of the District Courts

We mailed surveys to the 156 district judges and 69 district magistrate judges in Kansas to obtain their opinions about improving the efficiency of the courts and what changes they would be interested in. We also asked questions about the judge's travel time, and county-funded court positions. Overall, 147 judges responded, for a response rate of 65.3%.

We mailed surveys to the chief clerk or court administrator in each of the 31 judicial districts to obtain their opinions about improving the efficiency of the courts and what changes they would be interested in. We also asked questions about the office hours, staffing, and services. Overall, 28 of the 31 chief clerks responded, for a 90% response rate. The clerks who responded covered 97 of the State's 105 counties.

This appendix is a summary of the responses we received from judges and clerks or court administrators.

Judges Survey

The Legislative Post Audit Committee has directed the Legislative Division of Post Audit to conduct a performance audit reviewing the allocation of staff resources in the District Courts in Kansas. As part of the audit, we are surveying judges about selected staffing issues, including what types of procedural changes or additional resources would help their district process cases more efficiently.

We would appreciate it if you would take the time to answer the following questions. The returned surveys will be included in the audit working papers which will become a matter of public record once the audit is completed. If you need additional space to make any comments, please attach additional pages. Please return the completed survey in the enclosed postage-paid envelope, or fax it to 913-296-4482, by **Friday, April 25, 1997**. If you have any questions related to the survey, please contact Cindy Lash at (913) 296-5541 or Barbara Coultis at (913) 296-5180.

District Magistrate Judge 52 surveys

District Judge 95 surveys

1. Which of the following options do you think would help the court(s) in your district process cases more efficiently while preserving adequate access to justice for Kansas citizens? Check all that apply, then please go back and indicate which, of all the options, are your top three priorities, with 1 being the highest ranking.

53.7% increased flexibility in making staffing decisions, specifically to decide :

	judges	non-judicial staff
how many are needed	<u>59.5%*</u>	<u>87.3%*</u>
where they should be located	<u>50.6%*</u>	<u>75.9%*</u>

10.2% converting some district judge positions to magistrate judge positions

12.2% converting some magistrate judge positions to district judge positions

38.1% increasing the number of judges

31.3% greater use of judges pro tem, retired judges, or senior judges

80.3% adding nonjudicial staff, specifically:

54.2%* court services officers

45.8%* administrative assistants

61.9%* clerk's office personnel

36.4%* transcriptionists or court reporters

16.9%* computer programmers

11.9%* paralegals

40.7%* central pool of law clerks available for phone consultation and research

82.3% changes in procedures or technology, including:

34.7%* ability to fax judicial orders

34.7%* expanded use of teleconferencing for meetings and hearings

47.1%* video-conferencing for selected types of hearings and meetings

60.3%* improved computer systems

39.7%* access to legal resources such as Lexis- Nexis

43.8%* greater use of mediation or other alternative dispute resolution

13.2% other (please list)

*The percentages of these sub-categories are based on the number responding to the preceding main category

2. Please list the most effective actions your court or district has taken to improve the efficiency of processing cases, reduce the cost of processing cases, or reduce travel time.

Most frequently mentioned actions:

Improved computer technology - 28 surveys

Teleconferencing - 23 surveys

Improved procedures for assigning and scheduling cases 26 surveys

Mediation, alternative dispute resolutions, and other conferences - 23 surveys

Scheduling a large number of routine caess for a single block of time - 13 cases

Using fax machine for filings, order, or warrants - 9 surveys

Using hearing officers, senior judges, attorney,s and county paid pro tems to hear cases - 9 surveys

3. Are there improvements you would like to make for which there may not be clear statutory authority, Supreme Court authorization, or sufficient funding? If so, please describe.

Most frequently mentioned improvements:

Have routine cases resolved by someone other than a district judge - 12 surveys

Add more clerical or court support staff - 12 surveys

Add more personnel, nonspecific - 9 surveys

Add more judges - 5 surveys

Better computer technology, especially computer networks - 8 cases

Increase pay - 6 surveys

Electronic case filing, recording, imaging, or storage - 5 surveys

Eliminate one judge per county rule - 5 surveys

4. Would you like to see Kansas adopt a weighted caseload system to try to measure workload in the district courts, rather than continue the current system of measuring caseload?

36.1% yes 32.7% no 31.3% no response or wrote in don't know

5. Does your county fund additional judicial or non-judicial staff for the court, beyond judges pro tem in the absence of permanent judges?

42.9% no 50.3% yes, please check specific positions below
 44.6% judges pro tem are funded for ongoing work
 21.6% court services officers
 77.0% interpreters
 23.0% clerical
 25.7% other (please list)

6. About how many days per year do you spend hearing cases in other districts?

Avg. 2 Number of days on assignment from the Departmental Justice

Avg. 2.1 Number of days on informal assignment

questions 7 and 8 apply only to judges in multi-county districts

7. Approximately how much time do you spend traveling between counties in a typical week? (report travel time only)							
	less than	2 - 3.9	4 - 5.9	6 - 7.9	8 or more		
<u>41.8%</u>	2 hours	<u>34.7%</u>	<u>17.3%</u>	<u>4.1%</u>	<u>2%</u>		
		hours	hours	hours	hours		
8. About how many days per week do you spend hearing cases in counties in your district other than the county in which you were elected or for which you were appointed? <u>Avg. 2.8</u>							

District Court Clerk Survey

The Post Audit Committee of the Kansas Legislature has directed the Legislative Division of Post Audit to review the allocation of staff resources in Kansas' District Courts; this type of review is called a performance audit. As part of the audit, we are surveying the chief clerk or court administrator of each judicial district about personnel and procedure issues. The returned surveys will be included in the audit working papers, which will become public documents when the audit is completed. Please return the completed survey in the enclosed, addressed, postage-paid envelope or fax to Post Audit at 913-296-4482 by **Friday, April 25, 1997**. If you have any questions related to this survey, please contact Cindy Lash at 913-296-5541 or Jill Shelley at 913-296-5696.

Please answer the following questions for Judicial District ____, using the lines provided after each questions. Attach additional pages if you need additional comment space.

1. When does the Clerk of the District Court's office open and close each day?

Is the office open over the lunch hour?

Do the clerks receive complaints frequently, occasionally, seldom, or never regarding hours of operation?

hours of operation and lunch hour opening:

hours of operation	number of offices with those hours	open or closed over lunch hour?	
8 a.m.-5 p.m.	86 (88%)	47 open	39 closed
8 a.m.-4:30 p.m.	7 (7%)	6 open	1 closed
8 a.m.-4 p.m.	1 (1%)	open	
8:30 a.m.-5 p.m.	1 (1%)	open	
8:30 a.m.-4 p.m.	2 (2%)	open	
7:30 a.m.-4:30 p.m.	1 (1%)		closed

frequency of complaints:

frequently	occasionally	seldom	never
1 (1%)	3 (3%)	34 (35%)	58 (60%)

2. How many employees of the clerk of the district court work in each county in your district?

Respondents reported these numbers of employees. The clerk of the court is included in the number.

# of employees	1.5	2	2.5	3	3.5	3.7	3.8	4	4.5	5	6
# county offices	14 (14%)	25 (29%)	5 (5%)	14 (14%)	2	1	1	8 (8%)	3	2	3

# of employees	7	9	10.5	11	11.5	12	13	14.5	15	other*
# of county offices	3	2	1	3	1	1	2	1	1	4

* other: one each at 49.5, 51, 53, and 100

3. Would you describe the staffing in the court clerk's office in each county as excessive, sufficient, or insufficient?

responses:

excessive	sufficient	insufficient
0	68 (70%)	29 (30%)

4. Are staff members in each county cross-trained so that work stays current in a staff member's absence?

Respondents said staff members in all counties are cross-trained.

5. Please list the most effective actions taken in your district to improve efficiency in the clerk's office in the past five years. (Examples of changes include specialized computer utilization, electronic data retrieval, uses of facsimiles, sharing of staff among counties, and adding county-funded staff.)

Computerization changes (24 of 28 surveys - 86%):

- accounting 12 surveys
- docketing/case management 11
- computerization of clerk's office 6
- simultaneous data entry with other justice-system offices 3
- hardware/software upgrades 3
- public access terminals 3

other responses include use of an imaging system, e-mail between offices, local area network, law library on CD-ROM

Other technologies (14 of 28 surveys - 50%):

- fax 14 surveys
- microfilm 5

Staff changes (15 of 28 surveys - 54%):

- sharing staff between counties 10 surveys
- use of temporary hours 3
- reassignment of staff from one county to another 2

Other types of changes - 6 of 28 surveys (21%)

These changes included changes in the paper filing system; setting of specific days and times for first appearance, preliminary hearings, arraignments; voice mail for judges; development of a forms manual for attorneys; a drop box for payments; and transfer of child support accounting to a court trustee office

6. What other changes would you like to implement to improve efficiency?

Computerization changes (16 of 28 surveys - 57%):

specific computerization changes mentioned:

- scanning and electronic data retrieval 7 surveys
- increased public access to computerized information 4
- electronic access between counties/districts 4
- electronic transfer of case statistics 3
- implement software for case management & statistics 3
- expand computerized docketing to allow use as an index 3
- statewide standardized software 2

other responses include completing a network with other parties in the justice system to reduce redundancy in data entry, upgrading software/hardware, and increasing the computerization of docketing

Staff changes (9 of 28 surveys - 32%):

- add programmers 2 surveys
- eliminate 60-day hiring freeze 2
- provide minimum of 2 clerks/county 2

other responses include raising salaries to be competitive in the local labor market, add a roving position to the district, and have specialized staff to wait on the public

Other types of changes (10 of 28 surveys - 36%):

responses include improving office equipment, adding space for personnel and files, providing for central payment, state-sponsored alternative dispute resolution, screening pro se litigants, close one office in 2-office county

7. Have services to the public changed in the past five years because of the workload? _____ If so, in what ways? For example, have any services to the public been curtailed?

services <u>have</u> changed	services have <u>not</u> changed
21 districts (75%)	7 districts (25%)

Negative changes (15 of 28 surveys - 54%):

- longer waits for copies, files, counter service 8 surveys
 - require additional document work from attorneys 5
 - no longer help public with records searches 3
 - open to the public fewer hours 3
 - no longer give child support payment information by telephone 2
 - do not give out child support payments at the office 2
 - make certified copies of marriage licenses under only certain circumstances 2
 - have certain requestors make own copies 2
- other responses include these: require requestor to have case number, no longer give out case information unless the litigant has no attorney

Positive changes (5 of 28 surveys - 18%):

- office hours expanded 3 surveys
- other responses: office offers mediation for indigent clients, increased computer access by the public

8. The Office of Judicial Administration statistical manual defines the termination date of a case as either the date of the court decision or the date the journal entry is filed. Which date is used in each county in your district? Does the date vary by the type of case? If so, please specify.

court decision	journal entry	varies
41 counties (42%)	28 counties (29%)	28 counties (29%)

Respondents gave these reasons why the date may vary:

- recorded as court decision date or journal entry date depending on the type of case
- date is dependent on when paperwork is received
- date depends on when clerk becomes aware of the event
- date used depends on whether decision date is included in judge notes

The Legislative Division of Post Audit thanks you for your cooperation in completing this survey.

APPENDIX D

Agency Response

On June 4th we provided copies of the draft audit report to the Supreme Court. Its response is included as this appendix.



Supreme Court of Kansas
Kansas Judicial Center
301 W. 10th
Topeka, Kansas 66612-1507

HOWARD SCHWARTZ
Judicial Administrator

(913) 296-4873

June 18, 1997

Barbara J. Hinton
Legislative Division of Post Audit
Mercantile Bank Tower
800 SW Jackson Street
Suite 1200
Topeka, Kansas 66612-2212



Dear Ms. Hinton:

Thank you for the draft copy of your recent performance audit, *Reviewing the Kansas Court System's Allocation of Staff Resources to the District Courts*. I was happy to find the report to be an objective outsider's assessment of the Judicial Branch's attempts to use wisely the resources at our disposal.

Central to the examination of allocating resources is the hard fact you point out in the audit: Statewide case filings, excluding traffic cases, have increased 40 percent over the past 10 years, while the number of authorized judgeships have increased by only 4 percent. In addition to this increase in filings, the judicial branch has been held to a turnover rate of 2.5 percent, which is unrealistically high. The historical turnover rate for our nonjudicial employees is 1.5 percent and, for our judges, 1 percent. As the judicial branch budget is 97 percent personnel, we must impose a 60-day hiring freeze before any but the most critical positions may be filed. Your draft accurately reports the impact the freeze has on the district courts.

We sincerely thank the 1997 Legislature and Governor Graves for the new nonjudicial positions they authorized for FY 1998, and for the funding which will allow us to reduce our hiring delay from 60 to 45 days. At last, each of the 31 administrative judges will now have a secretary. A reduction of the hiring freeze and the 17 new positions, however important, will not alleviate all the staffing shortages identified in the audit. We need additional judges and nonjudge personnel to meet the challenges facing the judicial branch.

Barbara J. Hinton
June 18, 1997
Page 2

The draft suggests a weighted caseload statistical system would prove valuable in assisting allocation decisions. The report shows only two of the surrounding states uses a weighted caseload system. This may be because these systems are difficult and expensive to create and maintain, increasing the workload of court personnel. Over the years in which modern court administration has developed, both weighted caseload and counted caseload statistics have had their supporters. Until the superiority of a weighted caseload system is clearly established, and the resources necessary to create one are available, I would not support changing our present system.

Finally, I must tell you we concur in the audit's conclusions and recommendations so far as they go. We would urge our Legislature to provide the resources to implement them. Thank you once again for the opportunity to respond.

Sincerely,



Howard Schwartz
Judicial Administrator

HS:nrt