

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on January 24, 2006 in Room 313-S of the Capitol.

All members were present except:
Michael Peterson- excused

Committee staff present:
Jerry Ann Donaldson, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:
Randy Hearrell, Kansas Judicial Council
Honorable Stephen Hill, Chair, Kansas Judicial Council Performance Advisory Committee
Honorable Gary Rulon, Chief Judge, Kansas Court of Appeals
Doug Smith, Kansas Credit Attorneys Association

Chairman O'Neal opened the hearing on **HB 2612 - establishing the commission on judicial performance; evaluations of judges and justices; increasing docket fees.**

Randy Hearrell, Kansas Judicial Council, explained that the proposed bill is really framework for the commission with the details and rules to be worked out after the commission has been established. The Judicial Council undertook studying the issue of judicial evaluations in 2004. They determined that any judicial evaluation program should be structured and implemented as to not impair judicial independence and the process should also be free from political, ideological and issue-oriented considerations.

The goal of judicial evaluations would be to improve the performance of judges and justices and provide information to voters in retention districts to assist them in making informed decisions about judges & justices before voting. Once the data is collected the information would be distributed in voters guides, in mailings, on the internet and to individual judges for self-improvement.

It was suggested that the authority over the development & implementation of a judicial performance commission be placed with the Kansas Judicial Council. The commission would be funded by a \$2.00 increase in docket fees. (Attachment 1)

Mr. Hearrell suggested that page 1, line 39 of the bill should read "... Kansas judge of the district court and..."

Honorable Stephen Hill, Chair, Kansas Judicial Council Performance Advisory Committee, believed that any information provided to the public that helps them make an informed decisions on judges & justices is good information. Feedback is a great way for those who are on the bench to determine whether they need to improve their performance or not. (Attachment 2)

Honorable Gary Rulon, Chief Judge, Kansas Court of Appeals, commented that all members of the Appellant Court recognize this legislation as being important and endorses it unanimously. (Attachment 3) He did state that it was his personal belief that the docket fee increase was not the best funding source because the evaluation system will benefit all the citizens of Kansas not just those who use the court system.

Randy Hearrell stated that if the provisions to increase docket fees was struck from the bill he would have not problem suggesting that it come from the state general fund.

Committee members voiced their concern that the Supreme Court might not approve the rules and therefore would shut down the commission.

Written testimony in support of the bill was provided by the:
Kansas Bar Association (Attachment 4)
Kansas Supreme Court (Attachment 5)

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on January 24, 2006 in Room 313-S of the Capitol.

Kansas District Magistrate Judge's Association (Attachment 6)
Kansas District Judge's Association (Attachment 7)

While Doug Smith, Kansas Credit Attorneys Association, supported the creation of the commission and doing judicial performance reviews, he was concerned with the increase in docket fees to fund the program. He suggested that the funding should run through the state general fund. (Attachment 8)

The hearing on **HB 2612** was closed.

HB 2555 - criminal justice recodification, rehabilitation and restoration project committee

Representative Loyd made the motion to report HB 2555 favorably for passage. Representative Crow seconded the motion.

Representative Loyd made the substitute motion to report HB 2555 favorably for passage and be placed on the consent calender because of its noncontroversial nature. Representative Owens seconded the motion. The motion carried.

HB 2608 - Kansas health policy authority hearings conducted in accordance with the Kansas administrative procedure act

Representative Loyd made the motion to report HB 2608 favorably for passage and be placed on the consent calender because of its noncontroversial nature. Representative Owens seconded the motion. The motion carried.

HB 2609 - small claims; forms set forth by judicial council not office of judicial administration

Representative Crow made the motion to report HB 2609 favorably for passage and be placed on the consent calender because of it's noncontroversial nature. Representative Owens seconded the motion. The motion carried.

The committee meeting adjourned at 5:15 p.m. The next meeting was scheduled for 3:30 p.m. on Wednesday, January 25, 2006 in room 313-S.

Randy Hearrell

January 24, 2006

**JUDICIAL COUNCIL TESTIMONY ON 2006 HB 2612
RELATING TO JUDICIAL PERFORMANCE EVALUATIONS**

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House Judiciary

Date 1-24-06

Attachment # 1

**REPORT OF THE JUDICIAL COUNCIL
JUDICIAL PERFORMANCE ADVISORY COMMITTEE**

INTRODUCTION

Unlike individuals in other professions, judges rarely receive meaningful "feedback" concerning their job performance and are often unaware of areas in which they can improve the performance of their duties. In addition, providing objective information on the performance of judges in merit selection jurisdictions makes judicial retention elections more meaningful contests. Judicial performance evaluation programs can assist in both of these areas.

The first judicial performance evaluation programs were adopted in the 1970's. Alaska, in 1976, was the first state to adopt a judicial performance evaluation program to not only provide information to the judges for self-improvement, but to provide information to assist voters in retention elections of judges. Since that time Arizona, Colorado, New Mexico, Tennessee and Utah have created such dual purpose programs. In addition, Virginia recently created a program that provides evaluations to judges for self-improvement and will be used by the Legislature in judicial elections. (Virginia is one of two states in which the legislature re-elects judges.) Approximately twelve additional states conduct judicial performance evaluations only for the purpose of self-improvement.

Unlike judicial performance evaluation programs that are conducted by bar associations, interest groups or other entities, the type of program recommended by this report is established by law or court rule, funded by the state and professionally designed and managed. Such a program will not only seek the opinions of lawyers, but utilize broad-based surveys of court users and others who are in a position to evaluate judicial performance, such as jurors, litigants, witnesses and court staff.

BACKGROUND OF STUDY & COMMITTEE

At its November 5, 2004 meeting, the Kansas Judicial Council agreed to undertake a study of judicial performance evaluations. The Council appointed a new advisory committee to undertake the study. The persons appointed to the Judicial Council Judicial Performance Advisory Committee are:

Stephen D. Hill, Chair, Topeka, member of the Kansas Court of Appeals and served on the Kansas Justice Commission which prepared the Kansas Citizen's Justice Initiative.

Edward E. Bouker, Hays, District Judge in the 23rd Judicial District.

Paul T. Davis, Lawrence, State Representative from the 46th District, practicing lawyer and former General Counsel for the Kansas Bar Association.

S. Lewis Ebert, Topeka, President and CEO of the Kansas Chamber.

Michael D. Farmer, Wichita, Executive Director of the Kansas Catholic Conference and former member of the Kansas House of Representatives.

Dennis L. Gillen, Wichita, practicing lawyer with the firm of Depew, Gillen, Rathbun and McInteer, LC.

Joyce K. Grover, Topeka, Legal Advocacy Coordinator for the Kansas Coalition Against Sexual and Domestic Violence.

Jennifer Lynn Jones, Wichita, Municipal Judge, former District Judge and member of the Commission on Judicial Qualifications.

Nancy Kindling, Topeka, representative of the Kansas League of Women Voters.

Stacy Leeds, Lawrence, Professor at University of Kansas School of Law, member with experience evaluating tribal courts.

John L. Petterson, Topeka, retired newspaper journalist.

Tom Saxton, Jr., Iola, District Magistrate Judge in the 31st Judicial District.

Fred Six, Lawrence, retired Supreme Court Justice.

Richard M. Smith, Mound City, District Judge in the 6th Judicial District and member of the Executive Board of the Kansas District Judges Association.

SCOPE AND METHOD OF STUDY

The Judicial Performance Advisory Committee met eight times between February and November of 2005. The scope of the Committee's work is to study the subject of judicial performance evaluations and to recommend to the Judicial Council whether or not such a system should be adopted in Kansas.

In undertaking its assignment, the Committee:

- Considered a number of relevant articles, reports, statutes, court rules and memoranda. A list of the materials considered by the Committee is attached to this

report at pages 9 and 10 and a copy of the materials is on file in the Judicial Council Office.

- Interviewed, discussed the nature of the work required by the position and solicited input about judicial performance evaluations from: an elected district magistrate judge; a merit selected district magistrate judge; an elected district judge; a merit selected district judge; two members of the Kansas Court of Appeals and a Supreme Court Justice (Retired).
- Considered necessary skills and possible evaluation criteria for Kansas judges.
- Compiled, discussed and answered a number of questions that the Committee thought necessary to resolve prior to making recommendations.
- Discussed the judicial evaluation programs of the other states, including the rules under which they operate and the makeup of each state's governing body.
- Reviewed a memorandum from the staff which contained a summary of discussions with the administrators in the states which utilize judicial performance evaluations for both evaluating the judges and assisting the voters in making retention election decisions. The memorandum discussed the budget of each state, how the budget is funded, the number of employees, whether there was a pilot project, start up costs and how evaluations are distributed to voters.
- Reviewed samples of questionnaires and voter guides from other states.
- Reviewed the American Bar Association's "Guidelines for the Evaluation of Judicial Performance" and spent one full meeting with Dr. Malia Reddick, Reporter for the ABA Committee that revised the guidelines, discussing the ABA Guidelines and issues relating to judicial performance evaluations.

FINDINGS OF THE COMMITTEE

Judicial Independence

Any judicial evaluation program created in Kansas should be structured and implemented in such a fashion that it will not impair judicial independence. The evaluation process should be free from political, ideological and issue-oriented considerations.

Goals

The goals of a judicial evaluation program should be to improve the performance of the individual judges and justices and thereby the judiciary as a whole, and to disseminate the data and

results from the evaluation program to voters in retention districts to assist them in making informed decisions about continuing judges and justices in office.

Uses

Information from the judicial performance evaluations should be used to promote judicial self-improvement, enhance the quality of the judiciary as a whole and provide relevant information to the voters. In addition, the information can be utilized to determine appropriate topics for presentation at judicial education conferences.

Dissemination

Dissemination of the information should be in voters guides, in mailings, on the internet or to the individual judge privately, as is appropriate.

The dissemination of data and results from a judicial evaluation should be consistent with the use made of that information. If a judge or justice is running for statewide retention, then information should be disseminated statewide. If a judge is running for retention in a local district, the voters of that district should be given information concerning the results of the performance evaluation.

When a judicial evaluation is performed only for self-improvement, those individual results should be provided only to the judge evaluated and anonymously to those preparing judicial education programs so that continuing judicial education can be used to improve any weaknesses that may be revealed.

For judicial evaluations publicly disseminated, those results should include assessments of a judge's overall performance and all recommendations about whether a judge should be continued in office. The judge who is the subject of the evaluation should have an opportunity to review, respond, and meet with members of the evaluation body before the results are made public.

Administration And Support

The ultimate authority over the development and implementation of a judicial performance evaluation program in Kansas should be placed with the Judicial Council. Staff support and adequate funding should be made available to support a judicial evaluation program of high quality.

The judicial evaluation program could be developed systematically and implemented in progressive stages. Any such evaluation program should remain flexible so that it may be modified as needed. The Judicial Council should have the ultimate responsibility for the evaluation program and should conduct periodic assessments of its own program to determine if changes are needed.

Criteria

A judge should be evaluated on legal ability that includes the following criteria:

1. Legal reasoning ability.
2. Knowledge of substantive law.
3. Knowledge of rules of procedure and evidence.
4. Keeping current on developments of law procedure and evidence.

A judge should be evaluated concerning his or her integrity and impartiality and the following should be considered:

1. Avoidance of impropriety or the appearance of impropriety.
2. Treating all people with dignity and respect.
3. Absence of favor or disfavor toward anyone including but not limited to favor or disfavor based upon race, sex, religion, national origin, disability, age, sexual orientation, or socio-economic status.
4. Acting fairly by giving people individual consideration.
5. Consideration of both sides of an argument before rendering a decision.
6. Basing decisions on the law and the facts without regard to the ability of the parties or counsel and with an open mind in considering all issues.
7. Ability to make difficult or unpopular decisions.

A judge's communications skills should be evaluated:

1. A judge should be evaluated on whether or not he or she has clear and logical oral communication while in court.
2. The judge must make clear and logical written decisions.

Judge's professionalism and temperament should be evaluated on whether or not:

1. They act in a dignified manner.

2. They treat people with courtesy.
3. They act with patience and self-control.
4. They deal with pro se litigants and pro se litigation fairly and effectively.
5. They participate and provide leadership, to an appropriate degree, of professional development activities.
6. They promote public understanding of, and confidence, in the court.

A judge's administrative ability should be evaluated by answering the following:

1. Is the judge punctual and prepared for court?
2. Does the judge maintain control of the courtroom?
3. Is there an appropriate enforcement of court rules, orders, and deadlines?
4. Does the judge make decisions and rulings in a prompt, timely manner?
5. Does the judge manage his or her calendar efficiently?
6. Does the judge use pretrial conference and alternative dispute resolution mechanisms as appropriate?
7. Does the judge demonstrate appropriate innovation in using technology to improve the administration of justice?
8. Does the judge promote a productive work environment with other judges and court staff?
9. Does the judge act in such fashion to ensure that disabilities and linguistic and cultural differences do not limit access to Kansas courts?

Appellate Courts

An appellate court judge or justice should also be evaluated on the quality of his or her preparation for and participation in oral argument and on his or her effectiveness in working with other judges and justices on the courts.

Methodology

The use of surveys and information gained from personal interviews should be used in the judicial evaluation process. This information should be collected, organized, and analyzed in performing surveys. Experts should be retained to develop methods for evaluating judges and collecting and analyzing the data obtained. Any evaluative portion of any questionnaire concerning a judge should ask respondents to assess the judge's performance with respect to actual behavioral examples instead of general qualities such as legal ability and temperament. Behavior-based survey instruments avoid biases that commonly affect survey questionnaires. The evaluation process must ensure the anonymity of any individual respondent. Reliable sources of information should be developed for judicial evaluations.

Potential sources for information for trial judges include attorneys, jurors, litigants, witnesses who appear before the judge, non-judicial court staff, social service personnel and appellate judges who have had regular contact with the judge, and appellate judges who have reviewed the judge's decisions.

Potential sources of information for appellate judges include attorneys who have appeared before the judge, non-judicial court staff who have had regular contact with the judge, other appellate judges, and trial court judges whose decisions have been reviewed by the judge.

In all cases, sources should be limited to those with personal and current knowledge of the judge being evaluated. Public record information should be obtained as needed. At the outset of the evaluation program in Kansas, the Commission should establish minimum thresholds for response rates and the number of respondents. Questionnaires should be structured for the relevant respondent group and the nature and extent of that group's interaction with the judges must be kept in mind. It is contemplated that a different performance questionnaire for each respondent group would be necessary. Judges should be evaluated periodically. A private evaluation of the judge for judicial improvement should be conducted within the first year of taking office and again midterm, and a public evaluation should be conducted so that the results can be released in June before a November retention election.

RECOMMENDATIONS

The Judicial Council Judicial Performance Advisory Committee recommends:

1. Kansas implement a program of judicial performance evaluations for the purposes of providing information for self-improvement to all judges of the district court and appellate judges and justices and to disseminate the data and results from the program to voters in jurisdictions where judges and justices are subject to retention elections to enable voters to make informed decisions about continuing judges and justices in office.

2. A Commission on Judicial Performance be established as an independent committee of the Kansas Judicial Council and be composed of non-lawyers, lawyers and judges or justices who have outstanding competence and reputations.

3. The Commission utilize experts in designing instruments and techniques to be utilized in the program to survey persons who have directly observed the performance of all Kansas judges and justices.

4. The surveys be dispersed, collected and tabulated in a confidential manner and be designed to evaluate judges and justices in areas of legal ability, integrity, impartiality, communication skills, professionalism, temperament, administrative capacity and any other areas the Commission finds are appropriate.

5. The Commission develop performance standards, a dissemination plan, a procedure for responses to the evaluations by judges and justices and a mechanism to incorporate evaluation results in the designing of judicial education programs. The Commission also adopt rules for implementation of the process, subject to approval by the Kansas Supreme Court.

6. The program be adequately funded and not be undertaken, or be discontinued if undertaken, if the funding is not adequate.

PROPOSED LEGISLATION

The legislation proposed by the Committee is 2006 HB 2612. The legislation is not extremely detailed because it is the opinion of the Committee that giving the Commission broad outlines is desirable and the Commission will develop more detailed procedures for the operation of the program as the day-to-day challenges of implementing and operating the program become clear. The Committee did not draft proposed rules because it is of the opinion of the Committee that the Commission that is given the responsibility, and will face the day-to-day challenges of administration of the program, should develop its own rules.

MATERIALS DISTRIBUTED TO
THE JUDICIAL COUNCIL
JUDICIAL PERFORMANCE ADVISORY COMMITTEE
2005

- "American Bar Association Guidelines for Evaluation of Judicial Performance." Feb., 2005.
- "Analysis of the 2004 Ballot Proposals." Legislative Council of the Colorado General Assembly. Research Publication No. 527-4, 2004.
- Andersen, Seth S. "Judicial Retention Evaluation Programs." Loyola of Los Angeles Law Review. June, 2005.
- Becker, Daniel. "Judicial Selection Reform: Examples From Six States." American Judicature Society.
- Berkowitz, Daniel. "The Effect of Judicial Independence on Courts: Evidence from the American States." Pittsburgh, Pennsylvania. August, 2004.
- Brody, David C. "Judicial Performance Evaluations by State Governments: Informing the Public While Avoiding the Pitfalls." Justice System Journal. National Center for State Courts, 2000.
- Brody, David C. "The Relationship Between Judicial Performance Evaluations and Judicial Elections." Judicature. Volume 87, Number 4, 2004.
- Dann, Michael B. "Judicial Retention Elections." Loyola Law School of Los Angeles Law Review. June, 2001.
- "The Economic Judicial Report Kansas Supreme Court Judicial Evaluation." The Judicial Evaluation Institute for Economic Issues. Washington, D.C. 2005.
- Esterling, Kevin M. "Judicial Retention Evaluation Programs in Four States." American Judicature Society.
- "Final Report of the Kansas Justice Commissions, Kansas Citizens Justice Initiative. "Recommendation 1. Methods of Selecting and Evaluating District Court Judges.'" June, 1999.
- Hearrell, Randy M.. "Other States Judicial Performance Evaluation Programs." Kansas Judicial Council, 2005.

Hearrell, Randy M. "Judicial Performance Evaluation Programs and Methods of Selection of Judges." Kansas Judicial Council, 2005.

Hickman, Kelley. "Budget Summaries of Judicial Performance Programs in Six States." May, 2005.

Hickman, Kelley. "Judicial Performance Evaluation Law Review Article Summary." May, 2005.

Hill, Hon. Stephen D. "A Report on the Activities of the Kansas Judicial Council Subcommittee on Judicial Performance Evaluations." October, 2005.

Jenkins, Chris L. Evaluations Instituted For Judges Across Va.. Reappointment Process Altered to Curb Disputes." Washington Post, March 28, 2005.

Johnson County Bar Association. "2004 Judicial Evaluation Form, Tenth Judicial District, Johnson County District Court." 2004.

Pelander, John A. "Judicial Performance Review in Arizona: Goals, Practical Effects and Concerns." Arizona State Law Journal. Fall, 1998.

Post, Leonard. "ABA Offers New Way to Judge the Judges." The National Law Journal. May 2, 2005.

"Report of the Judicial Performance Evaluation Task Force." Supreme Court of Virginia, 2001.

"Scope and Goal." Kansas Judicial Council Judicial Performance Advisory Committee. 2005.

State of Kansas. House Bill No. 2341. Legislative Session, 2003.

State of Kansas. "Jurisdiction, The District Magistrate Judge has Jurisdiction in the Following Types of Cases:" Kansas District Magistrate Judges Association.

"Supreme Court Internal Operating Procedures, Internal Rules Supreme Court of Kansas.", State of Kansas. Amended May, 2005.

"Supreme Court of the State of Tennessee (Rules 25 -39)." 1981.

Utah Constitution. "Utah Code Section 78-3-21. Judicial Council--Creation--Members--Terms and Election--Responsibilities--Reports."

White, Penny J. "Judging Judges: Securing Judicial Independence by Use of Judicial Performance Evaluations." Fordham Urban Law Journal. February, 2002.

BUDGET ASSUMPTIONS

The assumptions used to develop anticipated revenues were provided by the Office of Judicial Administration and indicated that the two dollar docket fee increase contained in HB 2612 can be expected to generate \$770,889 per year.

The initial budget is based on many assumptions. Those assumptions are:

- The Commission will meet 20 times in Fiscal Year 2007 and 12 times in each year thereafter. The average cost per meeting is \$1,500 which is slightly more than the average Judicial Council committee, but this group is larger than the average committee.
- All elected district judges (73), elected district magistrate judges (42), merit selected district judges (88), merit selected district magistrate judges (35), court of appeals judges (12) and supreme court justices (7) will be evaluated.
- To the extent possible, the gathering of information about the judges and justices will be continuous. Merit selected judges will be evaluated in the second and fourth years of their term and the elected judges will be evaluated in the first and third year of their terms. Supreme Court Justices will be evaluated in the third and sixth year of their terms. In addition, all new judges will be evaluated in the first year they are on the bench.
- An additional attorney and administrative assistant will be added to the Judicial Council staff to enable the Council to provide administrative assistance to the Commission.
- In the second fiscal year and thereafter a part-time Senior Judge will be employed for the primary purpose of reviewing the judicial performance evaluations with the judges and justices.
- Furniture, computers and files will be purchased for the new staff and office supplies, postage, phones, internet, etc., will need to be provided.
- The cost of developing the survey questions will be \$60,000; contracting costs is estimated at \$3,900 per judge and distribution costs will be \$100,000 in years in which elections are held. These estimates are based on discussions with administrators of other state's programs and literature in the field.

ESTIMATED BUDGET FOR THE
COMMISSION ON JUDICIAL PERFORMANCE

	FY '07	FY '08	FY '09
Commission Meetings (@1,500 per meeting)	30,000	18,000	18,000
Staff Attorney (includes fringes)	58,521	58,521	58,521
Administrative Assistant (includes fringes)	31,055	31,055	31,055
Senior Judge (includes fringes)	0	30,421	30,421
Desks, Chairs, Computers, Files	8,000	4,000	0
Office Supplies, Printing, Postage, Phones, Internet, etc.	6,000	6,000	6,000
Develop and Maintain Survey	60,000	5,000	5,000
Contracting Costs (# of evaluations x \$3,900)	553,800	497,700	565,500
Distribution Costs (election years)	0	0	100,000
TOTAL	747,376	650,697	814,497

Note: Although it is not included in the budget, Judicial Council quarters will not accommodate the additional staff. If additional space is not available in the Judicial Center, the entire Judicial Council office may move from the Judicial Center. If the move is necessary the Council will have to pay for the move and will be required to begin paying rent.

\$2 Increase
Across the Board
excluding other costs and fees

11-1

Type of Fee	Filings or Terminations	% of Cases Docket Fees Collected	Adjusted Filings or Terminations	Current Fee	Proposed Increase	Proposed Total	Increase From Proposal
Civil							
Chapter 60	25,029	98%	24,528	\$111.00	\$2.00	\$113.00	\$49,057
Limited Action (61)	135,706	98%	117,983				
<=\$500		55%	64,891	\$31.00	\$2.00	\$33.00	\$129,781
>\$500 or <=\$5,000		40%	47,193	\$51.00	\$2.00	\$53.00	\$94,386
>\$5,000 or <=\$10,000		5%	5,899	\$81.00	\$2.00	\$83.00	\$11,798
Small Claims	10,171	98%	9,968				
		55%	5,482	\$31.00	\$2.00	\$33.00	\$10,964
		45%	4,485	\$51.00	\$2.00	\$53.00	\$8,971
Domestic Relations	38,137	75%	28,603	\$111.00	\$2.00	\$113.00	\$57,206
Post Decree Motion	11,732	1.0 motion per decree	11,732	\$26.00	\$2.00	\$28.00	\$23,464
Criminal*							
Felony	18,694	16%	2,991	\$152.00	\$2.00	\$154.00	\$4,487
Misdemeanor	17,280	38%	6,566	\$117.00	\$2.00	\$119.00	\$9,850
Expungements	500	100%	500	\$50.00	\$0.00	\$50.00	\$0
Probate							
Treatment of Mentally III							
Treatment of Alcohol or Drug	2,729	25%	682	\$30.50	\$2.00	\$32.50	\$1,365
Determination of Descent	1,298	98%	1,272	\$45.50	\$2.00	\$47.50	\$2,544
Guardianship	693	40%	277	\$65.50	\$2.00	\$67.50	\$554
Conservatorship	285	60%	171	\$65.50	\$2.00	\$67.50	\$342
Guardianship and Conservatorship	895	50%	448	\$65.50	\$2.00	\$67.50	\$895
Annual Reports	7,800	100%	7,800	\$5.00	\$0.00	\$5.00	\$0
Annual Accounting of							
Conservatorship over \$10,000	3,500	30%	1,050	\$5.00	\$0.00	\$5.00	\$0
Closing Conservatorship							
under \$10,000	1,000	100%	1,000	\$5.00	\$0.00	\$5.00	\$0
over \$10,000	1,000	100%	1,000	\$5.00	\$0.00	\$5.00	\$0
Trusteeship	129	98%	126	\$65.50	\$2.00	\$67.50	\$253
Probate of an Estate or a Will	3,743	100%	3,743	\$105.50	\$2.00	\$107.50	\$7,486

\$2 Increase
Across the Board
excluding other costs and fees

Other Costs and Fees								
Performance Bonds								
Delinquent Personal Property Tax								
Hospital Lien								
Intent to Perform								
Mechanic's Lien								
Oil and Gas Mechanic's Lien								
Pending Action Lien								
Total	3,435	100%	3,435	\$10.00	\$0.00	\$10.00	\$0	
Employment Security Tax Warrant								
Sales and Compensating Tax Warrant								
State Tax Warrant								
Motor Carrier Lien								
Total	4,812	100%	4,812	\$20.00	\$0.00	\$20.00	\$0	
Marriage License	19,380	100%	19,380	\$75.00	\$0.00	\$75.00	\$0	
Driver's License Reinstatements	15,464	100%	15,464	\$55.00	\$0.00	\$55.00	\$0	
Traffic**	215,338	92%	198,111	\$60.00	\$2.00	\$62.00	\$352,638	
Fish and Game**	3,282	83%	2,724	\$60.00	\$2.00	\$62.00	\$4,849	
TOTAL FEES COLLECTED							<u>\$770,889</u>	
* Criminal fees are adjusted by 25% to reflect delayed implementation								
** Traffic and Fish and Game fees are adjusted by 11% to reflect delayed collection								

DOCKET FEE FUNDS

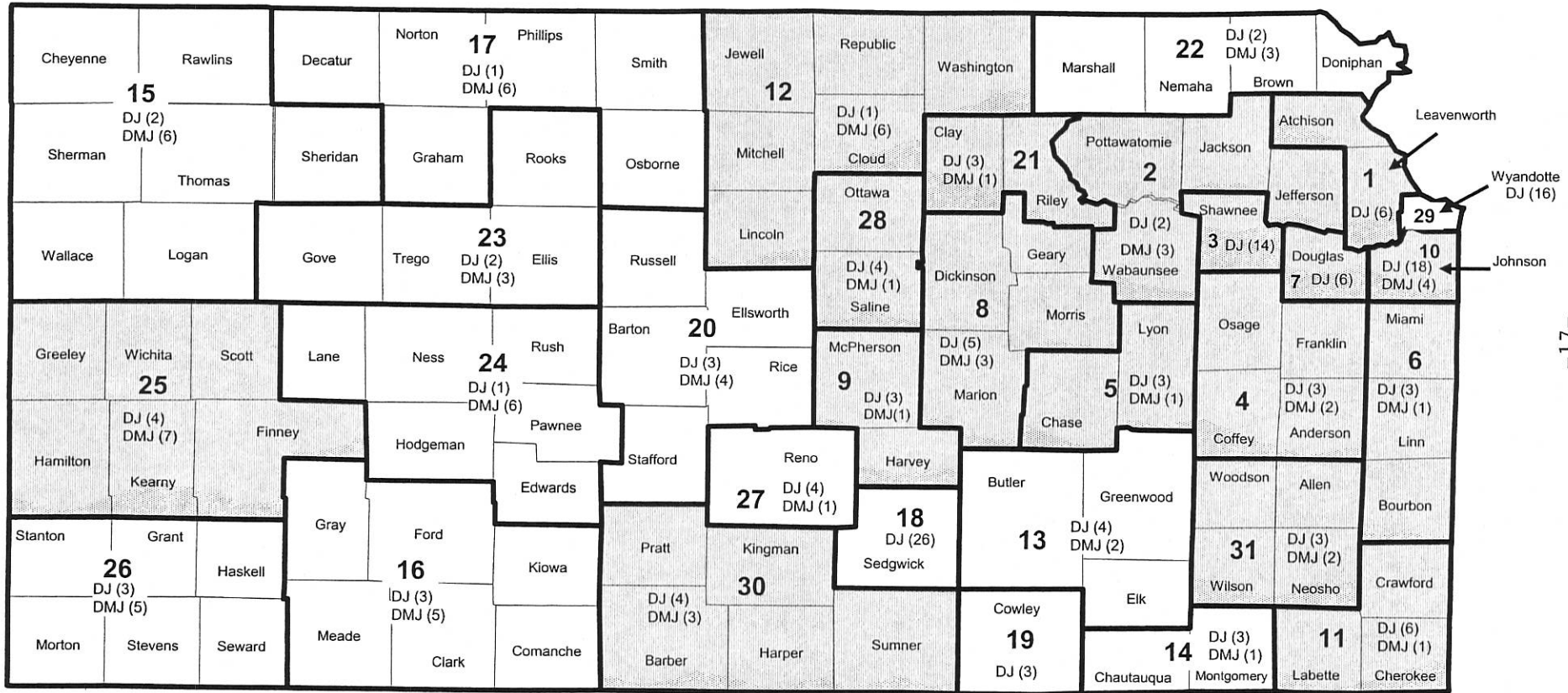
	FY 2007 Estimate	Additional \$	Proposed FY 2007
Clerk's Fees	\$18,854,345.00	\$770,889.00	\$19,625,234.00

Fund	Current %	Current Estimate	Proposed %	Proposed Estimate
Judicial Performance Fund			3.93%	\$771,271.70
Access to Justice Fund	5.90%	\$1,112,406.36	5.67%	\$1,112,750.77
Juvenile Detention Facilities Fund	3.27%	\$616,537.08	3.14%	\$616,232.35
Judicial Branch Education Fund	2.52%	\$475,129.49	2.42%	\$474,930.66
Crime Victims Assistance Fund	0.67%	\$126,324.11	0.64%	\$125,601.50
Protection from Abuse Fund	3.22%	\$607,109.91	3.09%	\$606,419.73
Judiciary Technology Fund	5.10%	\$961,571.60	4.90%	\$961,636.47
Dispute Resolution Fund	0.41%	\$77,302.81	0.40%	\$78,500.94
Kansas Juvenile Delinquency Prevention Trust Fund	1.49%	\$280,929.74	1.43%	\$280,640.85
Permanent Families Account in the Family and Children's Investment Fund	0.25%	\$47,135.86	0.24%	\$47,100.56
Trauma Fund	1.77%	\$333,721.91	1.70%	\$333,628.98
Judicial Council Fund	1.33%	\$250,762.79	1.28%	\$251,203.00
Judicial Branch Nonjudicial Salary Initiative Fund	21.41%	\$4,036,715.26	20.57%	\$4,036,910.63
State General Fund	52.66%	\$9,928,698.08	50.59%	\$9,928,405.88
	100.00%	\$18,854,345.00	100.00%	\$19,625,234.00

SCHEDULE OF JUDICIAL PERFORMANCE EVALUATIONS

FY	2007	2008	2009	2010	2011	2012
Supreme Court	1	2	4	1	2	4
Court of Appeals	12	0	12	0	12	0
District Judges - Elected	0	73	0	73	0	73
District Judges - Merit	88	0	88	0	88	0
District Magistrate Judges - Elected	0	42	0	42	0	42
District Magistrate Judges - Merit	35	0	35	0	35	0
New Judges	6	6	6	6	6	6
TOTAL	142	123	145	122	143	125

Kansas Judicial Districts (31)



-17-

- Political Process - 14 districts or 45% (Counties = 53)
- Merit Selection Process - 17 districts or 55% (Counties = 52)

	Elected Judges	Selected Judges	TOTAL
District Judge	73	88	161
District Magistrate Judge	42	35	78
Total	115	123	239

POSSIBLE TIME LINE

July 1, 2006	Effective Date of Bill
July 2006	Organize Commission
Aug.-Oct. 2006	Develop Rules for Operation of Commission
Nov.-Dec. 2006	Develop RFP for Questionnaires Approve Contractor
Jan.-Feb. 2007	Develop RFP for Mailing and Handling Responses and Preparation of Evaluations Approve Contractor
March 2007 to March 2008	One Year of Information Gathered
April 2008	Reports Prepared by Contractor on Merit Selected Judges
May 2008	Evaluations Presented to on Merit Selected Judges
June 10, 2008	Filing Deadline for 2008 Election (All Evaluations Presented to Judges and Justices Prior to this Date)
Sept.-Oct. 2008	Evaluations Distributed Publicly
Nov. 2008	Elections

THIRD JUDICIAL DISTRICT SUPERIOR COURT

Judge Morgan Christen

Basis for Evaluation

- A. Which of the following describes the basis for your evaluation of this judge? (CIRCLE ONE OR MORE)
1. Direct professional experience
 2. Professional reputation
 3. Social contacts
 9. Insufficient knowledge to evaluate this judge (GO ON TO NEXT JUDGE)

To rate this judge, circle one number for each criterion. If you lack sufficient knowledge to rate the judge for any one of the criteria, circle 9. (SEE INSIDE FRONT COVER FOR PRECISE DEFINITION OF THE RATING SCALE)

	Poor	Deficient	Acceptable	Good	Excellent	Insufficient Knowledge
Does this judge -						
1. Treat court staff with respect?	1	2	3	4	5	9
2. Treat other people with respect?	1	2	3	4	5	9
3. Manage caseload/staff capably and effectively?	1	2	3	4	5	9
4. Work diligently and act promptly on matters that need attention?	1	2	3	4	5	9
5. Act with integrity?	1	2	3	4	5	9
6. Act with fairness and impartiality?	1	2	3	4	5	9
7. Have the ability to control the courtroom?	1	2	3	4	5	9
8. Overall evaluation of judge	1	2	3	4	5	9

Comments: Please add any comments that you believe would help the Judicial Council in its evaluations. If you need more space, use pages 11-12 in this survey booklet or attach another sheet of paper.

Print Name (Optional)

Providing your name is optional but does give your comments added credibility with the Council members. Your name will not be given to the judge

Juror Survey - Superior Court Judge Morgan Christen

In Alaska, judges must appear periodically on the ballot to allow voters the opportunity to decide whether they should be retained in office. The Alaska Judicial Council is a citizens' commission that must evaluate judges standing for retention and make recommendations to Alaska voters. The Council collects information from many sources, including jurors. The Council's evaluations, including the results of its juror surveys appear in the election pamphlet sent to every Alaskan household.

Please complete this questionnaire to help the Council evaluate the judge who presided over your case. The Council and the public value your perspective. Thanks.

Type of Proceedings: () Civil
 () Criminal

Approximately how many days, including deliberations, did you serve as a juror for this judge? _____ day(s)

Please check the most appropriate response to each question.	Excellent	Good	Acceptable	Deficient	Unacceptable
1. Was the judge fair and impartial to all sides in the case?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Was the judge respectful and courteous?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Was the judge attentive during the proceedings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Did the judge exercise appropriate control over the proceedings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. How would you evaluate the judge's intelligence and skill as a judge?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. How would you evaluate the judge overall?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Do you have any suggestions about how the judge could improve upon his or her performance? _____

THIRD JUDICIAL DISTRICT SUPERIOR COURT

Judge Stephanie E. Joannides

Basis for Evaluation

- A. Which of the following describes the basis for your evaluation of this judge? (CIRCLE ONE OR MORE)
1. Direct professional experience
 2. Professional reputation
 3. Social contacts
 9. Insufficient knowledge to evaluate this judge (GO ON TO NEXT JUDGE)
- B. If you have had direct professional experience with this judge, which of the following best describes the amount of that experience? (CIRCLE ONE)
1. Substantial and recent (within last 5 years)
 2. Moderate
 3. Limited

To rate this judge, circle one number for each criterion. If you lack sufficient knowledge to rate the judge for any one of the criteria, circle 9. (SEE INSIDE FRONT COVER FOR PRECISE DEFINITION OF THE RATING SCALE)

	Poor	Deficient	Acceptable	Good	Excellent	Insufficient Knowledge
Impartiality						
1. Equal treatment of all parties	1	2	3	4	5	9
2. Sense of basic fairness and justice	1	2	3	4	5	9
Integrity						
3. Conduct free from impropriety or appearance of impropriety	1	2	3	4	5	9
4. Makes decisions without regard to possible public criticism	1	2	3	4	5	9
Judicial Temperament						
5. Courtesy, freedom from arrogance	1	2	3	4	5	9
6. Human understanding and compassion	1	2	3	4	5	9
Diligence						
7. Reasonable promptness in making decisions	1	2	3	4	5	9
8. Willingness to work diligently; preparation for hearings	1	2	3	4	5	9
Special Skills						
9. Ability to control courtroom	1	2	3	4	5	9
10. Consideration of all relevant factors in sentencing	1	2	3	4	5	9
11. Talent and ability for cases involving children and families	1	2	3	4	5	9
Overall Evaluation						
12. Overall evaluation of judge	1	2	3	4	5	9

Utah Judicial Council Survey of Judicial Performance for Appellate Court Judge

Responses are due on or before _____.

[] My appearances before this justice or judge within the last two years have been insufficient to enable me to make an informed evaluation. (Without responding to the criteria, return the survey in the envelope provided or fax it to the survey consultant, NNNNNNNNNN, at ###-###-####.)

Rate this justice or judge on the following criteria:	Excellent	More Than Adequate	Adequate	Less Than Adequate	Inadequate	No Personal Knowledge
1) Behavior is free from impropriety and the appearance of impropriety.	[]	[]	[]	[]	[]	[]
2) Behavior is free from bias and favoritism.	[]	[]	[]	[]	[]	[]
3) Avoids ex parte communications.	[]	[]	[]	[]	[]	[]
4) Understands the rules of procedure and evidence.	[]	[]	[]	[]	[]	[]
5) Understands the substantive law.	[]	[]	[]	[]	[]	[]
6) Understands recent legal developments.	[]	[]	[]	[]	[]	[]
7) Perceives legal and factual issues.	[]	[]	[]	[]	[]	[]
8) Properly applies the law to the facts of the case.	[]	[]	[]	[]	[]	[]
9) Is prepared for oral argument.	[]	[]	[]	[]	[]	[]
10) Maintains the quality of questions and comments during oral argument.	[]	[]	[]	[]	[]	[]
11) Demonstrates appropriate demeanor.	[]	[]	[]	[]	[]	[]
12) Issues opinions without unnecessary delay.	[]	[]	[]	[]	[]	[]
13) Opinions are well written.	[]	[]	[]	[]	[]	[]
14) Opinions demonstrate scholarly legal analysis.	[]	[]	[]	[]	[]	[]

Add any comment you wish. Write clearly. These will be retyped by the survey consultant and sent anonymously and in confidence to the judge.

Utah Judicial Council Survey of Judicial Performance for Trial Court Judge or Commissioner
Responses are due on or before _____.

[] My appearances before this judge or commissioner within the last two years have been insufficient to enable me to make an informed evaluation. (Without responding to the criteria, return the survey in the envelope provided or fax it to the survey consultant, NNNNNNNN, at ###-###-###.)

Rate this judge or commissioner on the following criteria:	Excellent	More Than Adequate	Adequate	Less Than Adequate	Inadequate	No Personal Knowledge
1) Behavior is free from impropriety and the appearance of impropriety.	[]	[]	[]	[]	[]	[]
2) Behavior is free from bias and favoritism.	[]	[]	[]	[]	[]	[]
3) Avoids ex parte communications.	[]	[]	[]	[]	[]	[]
4) Understands the rules of procedure and evidence.	[]	[]	[]	[]	[]	[]
5) Properly applies the law to the facts of the case.	[]	[]	[]	[]	[]	[]
6) Is prepared for hearings and trials.	[]	[]	[]	[]	[]	[]
7) Demonstrates appropriate demeanor.	[]	[]	[]	[]	[]	[]
8) Maintains order in the courtroom.	[]	[]	[]	[]	[]	[]
9) Allows sufficient time to present case.	[]	[]	[]	[]	[]	[]
10) Weighs all evidence fairly and impartiality before rendering a decision.	[]	[]	[]	[]	[]	[]
11) Clearly explains oral decisions.	[]	[]	[]	[]	[]	[]
12) Opinions, memorandum decisions and orders are well written.	[]	[]	[]	[]	[]	[]
13) Issues orders and opinions without unnecessary delay.	[]	[]	[]	[]	[]	[]
14) Effectively uses pretrial procedures to narrow and define the issues.	[]	[]	[]	[]	[]	[]

Add any comment you wish. Write clearly. These will be retyped by the survey consultant and sent anonymously and in confidence to the judge.

CONFIDENTIAL
Judicial Performance Evaluation Program
Juror Evaluation of Judge _____

Please complete the following evaluation based on your personal knowledge and experience with the above-named judge. If your rating for any category is "needs improvement" or "unsatisfactory," or if you wish to offer additional comments about the judge's performance, please elaborate on the attached comments page.

		Excellent	Good	Needs Improvement	Unsatisfactory	No Opinion
	Please indicate your assessment of this judge's Overall Performance					

Please indicate your assessment of this judge's performance with respect to the following:

1	Patience, dignity, and courtesy					
2	Shows and requires respect for all persons					
3	Attentiveness					
4	Exhibits fairness, equality, and consistency of treatment					
5	Freedom from bias for, or prejudice against, any person or group					
6	Maintains and requires proper order, decorum, and civility in the courtroom					
7	Clearly communicates court procedures					
8	Starts court on time and uses courtroom time efficiently					

The types and number of trials in which you served on a jury in this judge's courtroom:

___ Civil Trial (___ - number)

___ Criminal Trial (___ - number)

CONFIDENTIAL
Judicial Performance Evaluation Program
Appellate Attorney Evaluation of Justice/Judge _____

Please complete the following evaluation based on your personal knowledge and experience with the above-named justice/judge. If your rating for any category is "needs improvement" or "unsatisfactory," or if you wish to offer additional comments about the justice's/judge's performance, please elaborate on the attached comments page.

		Excellent	Good	Needs Improvement	Unsatisfactory	No Opinion
	Please indicate your assessment of this justice's/judge's Overall Performance					

Please indicate your assessment of this justice's/judge's performance with respect to the following:

1	Patience, dignity, and courtesy					
2	Conscientiousness and diligence					
3	Shows and requires respect for all persons					
4	Attentiveness					
5	Exhibits fairness, equality, and consistency of treatment					
6	Freedom from bias for, or prejudice against, any person or group					
7	Refrains from inappropriate <i>ex parte</i> communication					
8	Preparation for oral argument					
9	Relevance of questioning at oral argument					
10	Knowledge of the law					
11	Faithfulness to the law					
12	Effectiveness of communication					
13	Issues opinions in a timely manner					
14	Clarity and quality of written opinions					

Your years in practice: ___ Less than 5 ___ 5 - 10 ___ More than 10

Number of times in the last 4 years you have observed this justice/judge in the performance of his or her duties:

___ 1 to 5 ___ 6 to 10 ___ More than 10

CONFIDENTIAL
Judicial Performance Evaluation Program
Self-Evaluation – Judge _____

Please complete the following evaluation based on your perceptions of your performance.

		Excellent	Good	Needs Improvement	Unsatisfactory	No Opinion
	Please indicate your assessment of your Overall Performance					

Please indicate your assessment of your performance with respect to the following:

1	Patience, dignity, and courtesy					
2	Conscientiousness and diligence					
3	Show and require respect for all persons					
4	Attentiveness					
5	Exhibit fairness, equality, and consistency of treatment					
6	Freedom from bias for, or prejudice against, any person or group					
7	Refrain from inappropriate <i>ex parte</i> communication					
8	Maintain and require proper order, decorum, and civility in the courtroom					
9	Show and expect professionalism from everyone					
10	Allow lawyers appropriate latitude in presentation of the case					
11	Knowledge of the law					
12	Faithfulness to the law					
13	Effectiveness of communication					
14	Promptness in rendering decisions					
15	Clarity of decisions					
16	Competence as a judicial administrator					
17	Start court on time and use courtroom time efficiently					

Number of years you have been a judge. ___ Less than 5 ___ 5 – 10 ___ More than 10

Number of years you have been on this bench. ___ Less than 5 ___ 5 – 10 ___ More than 10

CONFIDENTIAL
Judicial Performance Evaluation Program
Trial Attorney Evaluation of Judge _____

Please complete the following evaluation based on your personal knowledge and experience with the above-named judge. If your rating for any category is "needs improvement" or "unsatisfactory," or if you wish to offer additional comments about the judge's performance, please elaborate on the attached comments page.

	Excellent	Good	Needs Improvement	Unsatisfactory	No Opinion
Please indicate your assessment of this judge's Overall Performance					

Please indicate your assessment of this judge's performance with respect to the following:

1	Patience, dignity, and courtesy					
2	Conscientiousness and diligence					
3	Shows and requires respect for all persons					
4	Attentiveness					
5	Exhibits fairness, equality, and consistency of treatment					
6	Freedom from bias for, or prejudice against, any person or group					
7	Refrains from inappropriate <i>ex parte</i> communication					
8	Maintains and requires proper order, decorum, and civility in the courtroom					
9	Shows and expects professionalism from everyone					
10	Allows lawyers appropriate latitude in presentation of the case					
11	Knowledge of the law					
12	Faithfulness to the law					
13	Effectiveness of communication					
14	Promptness in rendering decisions					
15	Clarity of decisions					
16	Competence as a judicial administrator					
17	Starts court on time and uses courtroom time efficiently					

Your years in practice: ___ Less than 5 ___ 5 to 10 ___ More than 10

Number of times in the last 4 years you have observed this judge in the performance of his or her duties:

___ 1 to 5 ___ 6 to 10 ___ More than 10

SCHNEIDER, BARRY C.

Assignment During Survey Period: Criminal
Appointed to Maricopa County Superior Court: 2001

**100% of the Commission Voted Judge Schneider
MEETS Judicial Performance Standards**

28 Commissioners Voted "Meets"
0 Commissioners Voted "Did Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u>	<u>Litigant/Witness/ProPer Responses</u>	<u>Juror Responses</u>
	Surveys Distributed: 169 Surveys Returned: 53	Surveys Distributed: 124 Surveys Returned: 17	Surveys Distributed: 52 Surveys Returned: 27
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	97%	N/A	N/A
Integrity	94%	99%	100%
Communication Skills	91%	100%	100%
Judicial Temperament	80%	93%	100%
Administrative Performance	98%	100%	100%
Settlement Activities	96%	N/A	N/A

TRUJILLO, RICHARD J.

Assignment During Survey Period: Criminal
Appointed to Maricopa County Superior Court: 2001

**59% of the Commission Voted Judge Trujillo
MEETS Judicial Performance Standards**

16 Commissioners Voted "Meets"
11 Commissioners Voted "Did Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u>	<u>Litigant/Witness/ProPer Responses</u>	<u>Juror Responses</u>
	Surveys Distributed: 119 Surveys Returned: 34	Surveys Distributed: 63 Surveys Returned: 17	Surveys Distributed: 26 Surveys Returned: 6
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	66%	N/A	N/A
Integrity	90%	100%	100%
Communication Skills	71%	100%	97%
Judicial Temperament	88%	100%	100%
Administrative Performance	72%	96%	94%
Settlement Activities	75%	N/A	N/A

FAMILY JUDGES

AKERS, LINDA A.

Assignment During Survey Period: Family
Appointed to Maricopa County Superior Court: 1996

**96% of the Commission Voted Judge Akers
MEETS Judicial Performance Standards**

27 Commissioners Voted "Meets"
1 Commissioner Voted "Did Not Meet"

<u>Judicial Performance Standards Evaluation Categories</u>	<u>Attorney Responses</u>	<u>Litigant/Witness/ProPer Responses</u>	<u>Juror Responses</u>
	Surveys Distributed: 205 Surveys Returned: 73	Surveys Distributed: 341 Surveys Returned: 37	Surveys Distributed: 0 Surveys Returned: 0
	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>	<u>Score (See Footnote)</u>
Legal Ability	87%	N/A	N/A
Integrity	95%	82%	N/A
Communication Skills	85%	72%	N/A
Judicial Temperament	87%	76%	N/A
Administrative Performance	95%	89%	N/A
Settlement Activities	92%	N/A	N/A

FOOTNOTE: The score is the percentage of all evaluators who rated the judge "satisfactory", "very good", or "superior" in each of the Commission's evaluation categories. Depending on assignment, a judge may not have responses in certain categories, indicated by N/A (for example, juvenile and family court judges do not conduct jury trials). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards. Further information on the judges and justices can be found at each court's website.

~~Judge Casebolt prides himself on working hard: treating each new case as a challenge to educate himself, to engage his intellectual curiosity and to apply neutral principles of law. He edits draft opinions carefully because he believes that the way the decision is conveyed is as important as the outcome of the case. His goal is to continue to give each litigant and each case a fair hearing, even when the issue or argument is one that he has heard before. Judge Casebolt's opinions reflect that he has listened to the litigants and addressed their issues with care. He issues decisions in the cases assigned to him promptly and will assist other judges as appropriate.~~

Honorable Dennis A. Graham

The State Commission on Judicial Performance unanimously recommends that Judge Dennis A. Graham BE RETAINED.

Judge Graham was appointed to the Colorado Court of Appeals on July 3, 2002. Prior to his appointment, Judge Graham served as a law clerk for the Honorable Robert H. McWilliams at the U.S. Court of Appeals for the Tenth Circuit (1975-1976), and was then engaged in a private law practice for 27 years, specializing in complex commercial transactions with an emphasis in securities. Judge Graham graduated from Colorado State University in 1968, and received his law degree with distinction from the University of Nebraska in 1975. Judge Graham serves on the Court's Information Technology Committee. He is also involved in numerous civic organizations, including the Toastmasters Club.

Although Judge Graham is relatively new to the bench, he has started to make a mark as a good and respected jurist. Ninety-eight percent of the trial judges who responded to the Commission's survey recommended that Judge Graham be retained in office. The survey results from attorneys were less favorable, with 79% recommending that Judge Graham be retained. The attorneys' comments reflect that Judge Graham is generally well prepared and thoughtful, although he could be more patient in oral argument and needs to gain greater familiarity with criminal law.

Judge Graham would like to be perceived as a "gentleman" on the bench, and to garner a reputation as a prompt and efficient judge. He strives to better communicate to the public the role and activities of the court, through presentations to schools and community organizations. The Commission encourages Judge Graham to critically evaluate his performance as he further grows into his job.





Judge Dennis Frederick -3rd District, District Court (Salt Lake, Summit, Tooele)

Judge J. Dennis Frederick was appointed to the Third District Court in October 1982 by Gov. Scott M. Matheson. After graduating from the University of Utah College of Law in 1966, he was an officer and director with the Salt Lake law firm of Kipp & Christian until his appointment to the bench. Judge Frederick was Deputy District Attorney from 1968 to 1971. He served on the Utah Judicial Council from 1986 to 1992 and was vice-chair from 1989 to 1992. He served on the Board of Trustees, University of Utah College of Law Alumni Association from 1989 to 1993. In 1987, Judge Frederick received the first Utah Bar Foundation Achievement Award. He was named District Court Judge of the Year in 1988 by the Utah State Bar.

Judge Frederick met or exceeded the standards of performance outlined on page 68.
 The Judicial Conduct Commission entered no disciplinary sanctions against Judge Frederick.

There were 120 attorney survey respondents for Judge Frederick.

Certification Question (see page 69)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	
Judge's Favorable Response	78%	70%	91%	91%	78%	83%	63%	92%	65%	67%	76%	81%	88%	83%	71%

There were 147 juror respondents for Judge Frederick.

Certification Question (see page 69)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	
Judge's Favorable Response	94%	99%	99%	99%	100%	99%	99%	99%	97%	93%	97%	99%	99%	98%	99%



Judge Timothy R. Hanson - 3rd District, District Court (Salt Lake, Summit, Tooele)

Judge Timothy R. Hanson was appointed to the Third District Court in October of 1982 by Gov. Scott M. Matheson. Prior to his appointment to the bench, he was a partner in the Salt Lake City law firm of Hanson, Russon, Hanson, & Dunn, where he worked as a trial lawyer since his graduation from the University of Utah College of Law in 1970. Judge Hanson is a former member of the Utah Judicial Council, the Utah Supreme Court Advisory Committee on Rules of Evidence, and the Supreme Court Advisory Committee on Rules of Civil Procedure. He is a former member of the Board of District Court Judges, where he served as chair in 1992 to 1993. Judge Hanson was a member of the Third District/Circuit Court Transition Team on Consolidation, was a member of the Judicial Council's Gender and Justice Task Force, co-chair of the Judicial Council's Gender and Justice Implementation Committee, and is a former member and chair of the Judicial Conduct Commission.

Judge Hanson met or exceeded the standards of performance outlined on page 68.
 The Judicial Conduct Commission entered no disciplinary sanctions against Judge Hanson.

There were 121 attorney survey respondents for Judge Hanson.

Certification Question (see page 69)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	
Judge's Favorable Response	97%	93%	98%	95%	93%	96%	87%	99%	94%	88%	93%	97%	94%	93%	96%

There were 158 juror respondents for Judge Hanson.

Certification Question (see page 69)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Standard Favorable Response	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	
Judge's Favorable Response	94%	98%	99%	99%	99%	99%	99%	99%	99%	99%	99%	99%	98%	98%	97%

Questions of Attorneys About Trial Court Judges

- 1) Behavior is free from impropriety and appearance of impropriety.
- 2) Behavior is free from bias and favoritism.
- 3) Avoids ex parte communication.
- 4) Understands the rules of procedure and evidence.
- 5) Properly applies the law to the facts of the case.
- 6) Is prepared for hearings and trials.
- 7) Demonstrates appropriate demeanor.
- 8) Maintains order in the courtroom.
- 9) Allows sufficient time to present case.
- 10) Weighs all evidence fairly and impartially before rendering a decision.
- 11) Clearly explains oral decisions.
- 12) Opinions, memorandum decisions and orders are well written.
- 13) Issues orders and opinions without unnecessary delay.
- 14) Effectively uses pretrial procedures to narrow and define the issues.
- 15) Taking everything into account, do you recommend this judge be certified for election or this commissioner be reappointed?

Juror Survey Questions

All jurors trying a case before a district court judge were asked to answer "yes" or "no" to each of the following questions. To be certified the judge must receive a 70% satisfactory response rate to at least 75% of the following questions and an overall satisfactory response rate of at least 70%. There are no jurors in the Supreme Court, Court of Appeals, or juvenile court, and some district court judges are assigned only cases for which there are no jury trials.

Questions of Jurors About District Court Judges

- 1) Does the judge avoid "playing favorites?"
- 2) Does the judge's behavior appear to be free from bias?
- 3) Does the judge conduct proceedings in a fair and impartial manner?
- 4) Does the judge clearly explain court procedures?
- 5) Does the judge clearly explain reasons for delay?
- 6) Does the judge clearly explain responsibilities of the jury?
- 7) Does the judge behave in a dignified manner?
- 8) Does the judge behave in a courteous manner?
- 9) Does the judge avoid arrogance?
- 10) Does the judge display patience?
- 11) Does the judge display attentiveness?
- 12) Does the judge treat people with respect?
- 13) Does the judge convene court without undue delay?
- 14) Did you find the recesses to be frequent enough and long enough to attend to your personal needs?
- 15) Would you be comfortable having your case tried before this judge?



MARK NUSBAUM
PUBLISHER

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EDITORIALS

JUDGE EVALUATIONS

Only fair

Most people work for employers who evaluate their job performance; why not our judges?

Most people, unless they are self-employed, are subject to some kind of work evaluation on a regular basis.

For politicians it's at the polls when they seek re-election. For Kansas judges, it's a process called the retention vote. Every few years each judge's name appears on a ballot asking voters whether that judge should be retained.

But rarely does anyone provide any information to the public to help them decide whether they should keep that judge.

Now, the Kansas Judicial Council is proposing a system to correct that. If done properly, it would be a good thing.

Information would be collected from other judges, attorneys, jurors, litigants, witnesses and social service personnel. But each person's comments would be kept confidential.

Rep. Paul Davis, D-Lawrence, who served on the advisory committee that recommended evaluations, said, "It's something that is going to increase both the confidence that the public has in the judiciary and

the judiciary's accountability to the public."

True, it's frustrating for the voter to get to the polling place and find an entry on the ballot he or she knows nothing about. Many of us may recognize the name of a judge because of some high profile case he or she presided over. We might even remember whether we agreed or disagreed with the judge on that particular ruling.

But the overall effectiveness of a judge can't be determined based on any one of the thousands of cases going before her. A fair evaluation would consider the judge's entire body of work.

One concern, of course, is that the comments compiled for a judge's profile will be anonymous. We will need to have trust in the people who do the evaluations to weed out allegations against judges that are false and lodged by someone he sent to jail or punished some other way.

Assuming those details are hammered out, it sounds like a good plan.

Posted on Thu, Dec. 29, 2005

Feedback

EDITORIAL: EVALUATIONS COULD HELP COURTS, VOTERS

Of all the names on a Kansas election ballot, those of the justices on the Kansas Supreme Court and the judges on the Kansas Court of Appeals are most likely to leave voters at a loss. These courts' crucial work largely occurs out of the public eye, making it nearly impossible for voters to know whether these jurists deserve retention.

In short, voters need help. It could come in the form of a judicial performance evaluation program newly proposed by the Kansas Judicial Council, a long-standing 10-member panel within the state's judicial branch composed of judges, attorneys and the chairmen of the House and Senate judiciary committees.

A bill to launch and fund the program will go to the 2006 Legislature. Lawmakers should give it serious consideration, because it could end up helping voters and improving the courts.

The proposal was drawn up by the council's Judicial Performance Advisory Committee, whose members include Wichita municipal Judge Jennifer Jones and Wichitans Mike Farmer and Dennis Gillen, and approved by the full council.

The confidential sources for the evaluations could include attorneys, litigants, jurors, witnesses, court staffers and other judges. Their input would be sought on sitting jurists' "legal ability, integrity, impartiality, communication skills, professionalism, temperament and administrative capacity," according to the proposal.

The evaluations could be made public via voters' guides, mailings and the Internet for judges up for retention election, including those in counties that fill their district courts via merit selection and retention votes.

Regrettably, the new evaluation program wouldn't help voters in Sedgwick County and other counties that directly elect their district judges, because the council wants to avoid seeing publicly funded evaluations used as fuel in political campaigns. But in those counties, at least the judges themselves would see their evaluations and, the council hopes, learn from the feedback.

Because most of the council's members are chosen by the chief justice of the Supreme Court, some legislators may see the proposal as too invested in the status quo. Some will continue to advocate other reforms aimed at reshaping the high court or curbing its powers -- including some in retaliation for specific Supreme Court decisions on school finance, the death penalty and gay sex.

But if the judicial performance evaluation program can better inform the voting process at retention election time, it will be a useful tool toward building public trust and increasing judicial accountability in the state's courts system. Those are worthy goals, whatever the political climate.

For the editorial board, Rhonda Holman

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Sunday 22 January, 2006

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Opinions

Eyes on the judges

Bob Sigman, Opinion Page Editor

December 29, 2005

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What about judges? The question is an obsession with many Americans these days. Do they perform well in trials and other legal procedures? How can those who complain loudly about lack of judicial accountability find the answer to this critical question? Not easily in Kansas, although there is a chance that could change by the November election next year.

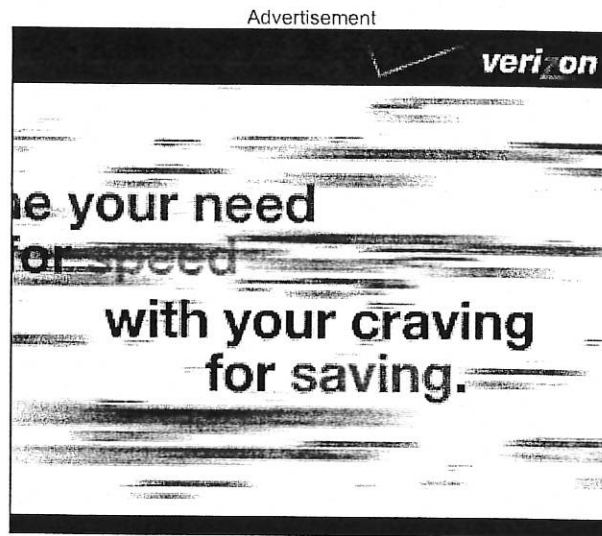
An effort is under way to persuade the Kansas Legislature to establish a judicial performance evaluation program in the Sunflower State. This would fill a void that has been in evidence far too long in the Kansas court system.

Right now citizens do not have a systematic way to evaluate judges, especially those in the merit selection plan.

Without guidance, voters are adrift in casting the judicial ballot.

Incidentally, the Johnson County Bar Association polls lawyers on judicial performance and circulates the results to the public as a service to voters.

A bit of explanation on the judicial system. Kansas voters adopted the nonpartisan, or merit, judicial selection plan for the Supreme Court and Kansas Court of Appeals years ago. When a vacancy occurs, a special nominating commission takes applications, interviews those seeking the judgeship and submits a panel of nominees, usually three, to the governor. The chief executive names one of them to the bench. After that they run for retention in office.



SECTION LINKS

- Dear Abby
- Simplify Your Life

Voters also approved a local option plan for the 31 trial court districts. Seventeen of them, including Johnson County, use merit selection. District Court judges are chosen in partisan elections in 14 jurisdictions, Wyandotte County among them.

In recent days, legislation to establish a statewide judicial performance evaluation program has been approved by the Kansas Judicial Council for introduction in the 2006 Kansas Legislature. The proposal was developed by a special performance advisory committee created by the council and chaired by Judge Stephen D. Hill, a member of the Kansas Court of Appeals.

Under the legislation, a 13-member Commission on Judicial Performance would be set up as an independent organization of the Kansas Judicial Council. The council, which is appointed by the chief justice of the Kansas Supreme Court, would name six non-lawyers and six lawyers, justices or judges. The council would also name a lawyer, justice or judge to chair the commission.

Funded with state appropriations, the commission would conduct surveys of court users who have directly observed the courts, including lawyers, litigants and jurors.

The results of the assessments, which would be based on legal ability, integrity, impartiality, communication skills, professionalism, temperament and administrative capacity, would be made available to assist voters in judging the performance of nonpartisan judges. Public recommendations would be made on judges up for retention.

"Evaluation of judges subject to political (partisan) elections shall be used solely for self-improvement," the proposal stated. The results would not be made public.

Hill, in an interview this week, said the advisory committee had spent about a year developing the plan to enhance public knowledge of the courts and to provide self-improvement for members of the state courts.

"We don't represent groups (such as political parties or special interests)," Hill explained.

Judicial candidates, because of the nature of their responsibilities, tend not to campaign in the traditional sense. Thus the public is not fully exposed to information about judicial service.

Too, judicial ballots are often overshadowed by controversial, heavily funded races for positions in the legislative and executive branches of the government.

That should not be the case. Our courts play a vital role in settling conflicts and helping protect the public safety. Their service is invaluable.

The Legislature has an obligation to establish this judicial performance program. Voters deserve to have much more information than is now available.

"We need to provide a mechanism so the people will know more about judges," said J. Nick Badgerow, an Overland Park lawyer who is a member of the Kansas Judicial Council.

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Judging judges

A proposed evaluation system could help guide voters' decisions about whether to retain appointed judges.

Wednesday, December 28, 2005

Judges hold an important and powerful position in our state, and most voters don't know enough about the people they are asked to

elect or retain in judgeships across the state.

The Kansas Judicial Council has a plan to help remedy that situation.

The Judicial Council is recommending legislation to create a Commission on Judicial Performance that would evaluate judges. The Judicial Council is a 10-member group that includes eight appointed judges or practicing attorneys along with the chairs of the House and Senate Judiciary committees. The new Commission on Judicial Performance would have 13 members appointed by the Judicial Council. There would be six lawyers, justices or judges and six non-lawyers in addition to the appointed chair, who would be a lawyer, justice or judge.

The commission would use information obtained through surveys of judges, attorneys, jurors, litigants, witnesses and social service personnel to evaluate the performance of judges. That information would be used in one of two ways depending on whether the judge being evaluated was appointed or elected.

In some parts of the state, judges are elected in partisan elections. Because the council thinks it is unwise for a state-funded performance evaluation to be used in a partisan election, evaluations of elected judges would not be made public. Instead, the feedback would be shared with judges in an effort to identify any areas in which they might improve their performance.

For appointed judges, who face a retention election every four years, the evaluation results would be shared with the voting public. This includes district judges in Douglas County and many other counties as well as the members of the Kansas Court of Appeals and Kansas Supreme Court.

Withholding the evaluations on elected judges is unfortunate, but understandable. However, if the evaluation system is approved, it also would seem to be an added incentive to standardize the state system and make all judgeships appointed. The appointment system is less political and less subject to outside influence and, under the evaluation system, voters would have access to more information about the judges on the ballot.

Although some judges in the state had previously advocated some sort of judicial evaluation system, the plan approved by the Judicial Council earlier this month seems at least partially designed to address concerns voiced by state legislators during the 2005 session. Unhappy with the Kansas Supreme Court's rulings that overturned the state's death penalty and declared the state's school funding system unconstitutional, some legislators said the Legislature should have some say in who is appointed to the state's highest court. A commission that is willing to fairly evaluate judges and point out judges who

shouldn't be retained might allay some of the legislators' concerns.

The judicial appointment system in Kansas is not broken and doesn't need to be fixed. However, it will operate better if voters are better informed and more able to express educated opinions about which judges deserve to be retained in office. The Judicial Council's proposal helps facilitate that goal and warrants serious consideration during the upcoming legislative session.



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Testimony of Hon. Stephen D. Hill
Kansas Court of Appeals
Before the House Judiciary Committee
24 January 2006

Mr. Chairman and distinguished members of the Committee:

I appreciate the opportunity to speak with the Committee today about H.B. 2612. I first heard of judicial performance evaluations when I served as a commissioner on the Kansas Justice Initiative several years ago. When we went throughout the state taking testimony about the court system, wherever we went--in venues large and small--the people wanted to know more about their judges. Questions such as "Who are these people?" were common. As some of you will remember, it was the recommendation of our group at that time that a system of reliable evaluations be established in Kansas that would be similar to those already started in other states such as Arizona, Colorado, and Alaska.

Since then, the American Bar Association has completed their latest review of the concept, and they endorse the project for two reasons. Judicial performance evaluations.

House Judiciary

Date 1-24-06

Attachment # 2

performed by unbiased evaluators, provide decision makers with trustworthy information about judges and they also provide judges with trustworthy information on how they can improve their performance. You will notice that those are the two goals that our subcommittee adopted for judicial performance evaluations in Kansas.

Please note, I make a point of saying "performance evaluations" because of the many different skills judges must develop and hone at the different levels of our judiciary. They are not identical, although some are. Furthermore, judges do not make decisions as representatives. The judicial function can be described as the rational application of the rules of law to a set of facts as determined by an unbiased factfinder. Judgments forthcoming must then be based on law and fact--not made as a representative of a particular group.

Our intention was that this evaluation process extend from top to bottom. Evaluations of Supreme Court Justices and District Court Magistrates are all needed. Because we are talking about human beings, we are all in need of improvement.

It was my privilege to serve as chair of this subcommittee, and we operated by consensus. All of the participants contributed valuable insight and perspective. By the end of our year, I can safely say we all felt that this is important for Kansas. If there are any questions I can answer I would be happy to do so.



KANSAS COURT OF APPEALS

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TESTIMONY OF
CHIEF JUDGE GARY W. RULON
OF THE
KANSAS COURT OF APPEALS

The Kansas Court of Appeals unanimously endorses H.B. 2612, which is proposed legislation to implement a statewide program of judicial performance evaluations.

The Court of Appeals Judges are aware of the important need for information about Court of Appeals Judges in retention elections. This evaluation process will be the key to informing the public about Court of Appeals Judges' performance in several areas, including legal ability, integrity, impartiality, communication skills, professionalism, temperament, administrative capacity and any other areas that are appropriate.

Importantly, the evaluations are to be conducted by an independent and impartial Commission on Judicial Performance that would consist of non-lawyers, lawyers, and current or retired judges or justices who have outstanding credentials.

Nine of the twelve Court of Appeals Judges are eligible to place their names on this year's general election ballot of retention. If H.B. 2612 is enacted by the Legislature in this session, perhaps the evaluations could be available for the 2006 elections.

House Judiciary

Date 1-24-06
Attachment # 3



KANSAS BAR
ASSOCIATION

**Testimony in Support of
HOUSE BILL NO. 2612**

Presented to House Judiciary Committee
January 24, 2006

The Kansas Bar Association supports implementation of a judicial evaluation system for the State of Kansas, as part of its support for merit selection of judges and justices. The merit selection system ensures quality judicial selection through investigation and nomination by judicial nominating committees. However, as it exists now in Kansas, the only evaluation or accountability of such a system is through the retention election process. The retention process, while preferable to judicial elections, does not provide either information to the voter, or feedback to the members of the judiciary who are subject to the retention process.

HB 2612 provides such a remedy for both the public and judiciary, and the Kansas Bar Association is in full support of the bill. This support is significant because KBA has a longstanding policy of opposing increased docket fees. However, because establishing a systematic, independent system of judicial evaluation is so critical to maintaining an independent judiciary, KBA is willing to make an exception to its policy and support funding the evaluation system through increased docket fees.

We urge the Committee to recommend HB 2612 favorably for passage.

James W. Clark
KBA Legislative Counsel
785-234-5696

House Judiciary

Date 1-24-06

Attachment # 4



Supreme Court of Kansas

KAY MCFARLAND
Chief Justice

Kansas Judicial Center
Topeka, Kansas 66612-1507

(785) 296-5322

House Judiciary Committee

Tuesday, January 24, 2006

Statement in Support of 2006 HB 2612

The Kansas Supreme Court supports the recommendations included in the Report of the Judicial Council Performance Advisory Committee. The goals of promoting judicial self-improvement, enhancing the quality of the judiciary as a whole, and providing relevant information to the voters are laudable. We are well aware that, for some time, voters in judicial retention elections have sought additional information about the judges who are the subject of the retention election. We believe that voters will be able to make better informed decisions with the assistance of fair and unbiased information about those judges.

It is clear that the Judicial Council Performance Advisory Committee conducted a thorough review of the literature and of judicial evaluation programs in other states before making its recommendations, and committee members are to be commended for their efforts.

Thank you for the opportunity to provide this statement in support of HB 2612, and for your time and attention in considering this issue.

House Judiciary

Date 1-24-06

Attachment # 5

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Written Testimony on House Bill 2612 from the
Kansas District Magistrate Judge's Association.

HOUSE JUDICIARY COMMITTEE
Chairman O'Neal and Members of the Committee:

Our association has considered House Bill 2612, has discussed it extensively, and gives it our full support. It is the consensus of our association that this bill would be a great help in restoring and promoting public confidence in the Judiciary.

The bill would give voters in retention districts a view of the judge's performance and would allow them to make an independent decision on their vote to retain or not retain that judge. Further, it would give the judges in elected districts a valuable tool to gauge their performance and allow them make any changes needed to put them in a better light with the public.

The only change that we would like to see in the bill is in New Section 2 (c) (2) which states that " 'Judge' means a current or retired Kansas district court judge and a current or retired judge of the Kansas court of appeals."

We would like to have it read, " 'Judge' means a current or retired Kansas judge of the district court and a current or retired judge of the Kansas court of appeals." This would avoid any confusion as to whether a district magistrate judge could or would be considered as a member of the commission or would be subject to the performance evaluation process.

Our association recommends that this bill be passed favorably.

Thank You,
Michael A. Freelove
District Magistrate Judge
Kansas District Magistrate Judge's Association

House Judiciary

Date 1-24-06
Attachment # 6



The Kansas District Judges' Association



Hon. Ernest L. Johnson, President
Phone: 913-573-2917

Hon. Daniel L. Love, President-elect
Phone: 620-227-4620

Hon. Robert J. Fleming, Secretary
Phone: 620-421-1410

Hon. Meryl D. Wilson, Treasurer
Phone: 785-537-6372

House Judiciary Committee

Tuesday, January 24, 2006

Testimony in Support of 2006 HB 2612

The Kansas District Judges' Association joins with the Kansas Supreme Court and the Kansas Court of Appeals in supporting the recommendations of the Judicial Council Judicial Performance Advisory Committee. We understand the public's desire to have more information about the judges and justices they are voting to retain, and the Judicial Performance Advisory Committee's recommendations appear to be an attempt to provide relevant, meaningful information to the voters. In addition, it appears that the recommendations also would provide valuable feedback to both merit selected and elected judges.

The Kansas District Judges' Association was pleased to participate in the Judicial Performance Advisory Committee process through the participation of district judges, and we would be pleased to continue to participate in ongoing discussions of this issue. Thank you for the opportunity to support these recommendations, and please do not hesitate to contact us if any additional information or input would be helpful to you.

House Judiciary

Date 1-24-06

Attachment # 7

KANSAS CREDIT ATTORNEY ASSOCIATION

HOUSE BILL NO. 2612

HOUSE COMMITTEE ON JUDICIARY

January 24, 2006

Chairman O'Neal and Members of the House Committee on Judiciary:

I appreciate this opportunity to present remarks to you on behalf of the Kansas Credit Attorney Association. The Association is comprised of approximately 50 attorneys and firms throughout the state representing mostly small and medium-sized local businesses.

Docket fees, court costs and the efficient functioning of the courts are of perennial interest to our Association and our clients.

Our Members have no real problem with the creation of a new independent committee to evaluate the performance of judges, but we have concerns on the method for funding the review.

First, HB 2612 creates a new fund within the docket fee disbursements at a time both bodies in the Legislature have questioned the existence of any or part of those funds.

The 2003 Special Committee on Judiciary concluded in their report to the 2004 Legislature that:

“The Committee believes that the State Legislature has a responsibility to adequately fund the state judicial system and generally disfavors increasing docket fees because it believes this has a negative effect on access to justice.”

The 2005 Special Committee on Judiciary concluded in their report to the 2006 Legislature that:

“In discussion on the topic of docket fees and increases in the fees, the Committee indicated disappointment regarding the lack in the number of conferees whose programs are partially financed by docket fees. The Committee concluded that other entities outside the judicial system that receive docket fees should go through the regular appropriations process as do other agencies for funding purposes.”

Once those disbursements from the dockets fees are started, we've learned that it is effectively impossible to eliminate them - even when the legislators oppose their existence.

Second, the same concern about increasing docket fees comes into play. This makes the second or third fee proposed increase to the docket fees in the legislature this year. Each year for the past five has seen an increase in the cost of access to the courts. Like many of the prior increases, this one doesn't even address the core functions of keeping the courts open and cases moving.

House Judiciary

Date 1-24-06

Attachment # 8

In 2003, we saw the Courts, as a result of insufficient funding, implement a \$5 emergency surcharge, which has been extended every year.

In 2004, we saw a \$5 docket fee added for the filing of a garnishment, a \$5 fee on the service of process by the sheriff. Funding of the office of Judicial Council from docket fees was made permanent.

In 2005 and 2006 we have seen efforts to fund to increase the docket fees to provide judicial salary increases and proposed legislation to make permanent the emergency surcharge imposed by the court.

We would strongly encourage the members of this committee to consider making a policy change to the use of docket fee and their disbursement. We believe that the legislature should require either sunseting the current disbursement not related to the function of the court and getting those requests for funding to the regular appropriations process, or otherwise delete an existing disbursement roughly in the same amount as the new disbursement being added. We do not question that programs such as the Trauma Fund or the Family Investment Fund may be important, they are not directly related to the basic constitutional obligations of the courts and don't believe that funding them through docket fees is appropriate.

We appreciate your tireless efforts to meet ever-increasing demands with diminishing resources and ask that you not increase the costs to access the Courts at this time.

Presented by Douglas E. Smith for Larry Zimmerman and the Kansas Credit Attorney Association.