



SUPREME COURT OF KANSAS

KANSAS JUDICIAL CENTER

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SENATE JUDICIARY COMMITTEE

Honorable Senator Tim Owens, Chair

Testimony in Support of

SB 83 Senior Judge Program Amendments

February 10, 2011

Thank you for the opportunity to testify in support of SB 83, which would amend current law regarding the Senior Judge Program. The Senior Judge Program was established by the 1995 Legislature. Through the program, The Supreme Court may enter into contracts with retired judges who agree to perform assigned judicial duties for 40 percent of each year, or 104 days. They are compensated at the rate of 25 percent of the current monthly salary of judges serving in the same position held by the retirant at the time of retirement. The program is a cost-effective way of providing judges to hear cases when there are conflicts and in other situations when an additional judge is needed, such as in the event of illness, when there are increased filings or complex cases that cannot be handled with existing judicial staffing, and in similar situations.

The proposed amendment to K.S.A. 20-2622 applies to judges who wish to serve as senior judges but who did not enter into a senior judge contract prior to retirement. Under current law, those judges may enter into a contract within five years after retirement *and* within 30 days prior to any anniversary date of retirement. This limits the potential pool of senior judge candidates from which the Supreme Court may choose in determining which judges will receive senior judge contracts. The Court is precluded from entering into a senior judge contract with any judge who did not enter into a contract prior to retirement who has been retired for more than five years. Moreover, the time during which the Court may enter into a contract with judges who have not entered into a contract prior to retirement is limited to 30 days prior to any anniversary date of the judge's retirement. The Court normally contracts with senior judge at the beginning of each fiscal year for a full-year contract. The 30 day requirement means that, if the senior judge did not retire at or near the end of a fiscal year, the Court would have to enter into a contract with that judge at another time in the fiscal year that is 30 days prior to that judge's retirement anniversary date.

A recent situation illustrates the difficulty that can arise under the requirements of current law. Midway through the current contract year, a senior judge recently gave notice that he was unable to fulfill the terms of his contract. Because demand for the services of senior judges has

been high and because that senior judge had been assigned to a number of ongoing cases, the Court sought to fill the unexpired term of his contract. The Court was limited in the number of retired judges from whom it could choose because it could select only from the pool of judges who had been retired for five years or less and who were within 30 days prior to their anniversary retirement date. Although the Court was fortunate in that several well qualified retired judges met both criteria, at other times during the year there would have been few, if any, retired judges who met both criteria who could quickly enter into a contract.

SB 83 would provide greater flexibility in managing the Senior Judge Program. Thank you again for the opportunity to testify in support of SB 83, and I would be happy to stand for any questions you might have.