



KANSAS DISTRICT COURT

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Senate Committee on Judiciary February 15, 2012 Testimony in Support of Senate Bill 330

Chairman Owens and members of the Senate Judiciary Committee, thank you for the opportunity to provide testimony in support of Senate Bill 330.

I currently serve as Chief Judge for the Third Judicial District, Shawnee County. Pursuant to statute and Supreme Court Rules, certain duties have been assigned to the chief judge including supervision over personnel matters of non-judicial employees, trial court case assignment, judge assignments, development and coordination of statistical and management information, fiscal matters, and liaison and public relations responsibilities. In my judicial district, I also carry the same load of criminal cases as my colleague judges in the criminal department. In order to keep up with my caseload and my administrative duties as chief judge, I have had to delegate some of my duties as did my predecessor chief judges. One example of this is the change of judge procedure under K.S.A. 20-311d. The law provides that "if a party or party's attorney files an affidavit alleging grounds for disqualification of a judge, the chief judge shall at once determine, *or refer the affidavit to another district judge for prompt determination of*, the legal sufficiency of the affidavit." I have referred most of the affidavits regarding grounds for a change of judge to another district judge for review. That delegation is authorized by statute.

However, the statute providing for the convening of a professional malpractice screening panel currently does not authorize a chief judge in a district court having more than one division to refer this duty to another judge in that district. Despite the lack of authority to delegate this duty, it has been the practice of the Third Judicial District, even prior to my tenure as chief judge, to assign this duty to another judge. For a number of years Judge David Bruns had the responsibility of convening professional malpractice screening panels. Since Judge Bruns's appointment to the Court of Appeals, Judge Evelyn Wilson took over the

responsibility of convening the screening panels. Although there currently is only one active screening panel in the Third Judicial District, there have been 56 screening panels convened since 2000.

Senate Bill 330 merely would allow any district court judge (not just the chief judge) to convene a professional malpractice screening panel. Given the number of duties already assigned to chief judges in judicial districts, I certainly support SB 330 which allows any district judge authority to convene a malpractice screening panel if a request is made by one of the parties in a malpractice liability action.

Thank you for your attention.

Respectfully submitted,

Nancy Parrish
Chief Judge, Third Judicial District