

HOUSE COMMITTEE ON THE JUDICIARY

Chairman Lance Kinzer
Vice Chairman Rob Bruchman
R.M. Member Janice Pauls

KANSAS DISTRICT MAGISTRATES JUDGES ASSOCIATION

Judge Ann L. Dixon, Legislative Chair

RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION FOLLOWING
TESTIMONY IN OPPOSITION TO HB 2016 and HB 2113.

This proposal is in response to a request for more information by Chairman Kinzer on the concepts presented by the Kansas District Magistrate Judges Association (KDMJA) on February 7, 2013 at the hearing on HB2016 and HB2113.

It is the goal of the KDMJA to maintain a basic threshold of local access to justice for every Kansan in every county through maintaining KSA 20-301b, and to improve the timely access to justice in the urban courts. To that end, the KDMJA supports the Budget submitted by the Supreme Court and the 22 judicial positions requested therein. In the event that the full 22 positions are not fully funded, this proposal could provide for some of the positions that are requested.

Currently, KSA 20-333 and 20-353, and 20-354 give the Supreme Court the full authority to abolish any District Judge or District Magistrate Judge position upon retirement, death, or resignation but it does not give the Court authority to convert a District Judge position to multiple District Magistrate Judge positions. It is our belief that rather than abolish any District Judge position, it could be converted to multiple Magistrate positions and allocated to districts that reflected a need for additional positions in the Weighted Caseload Study (WCLS). Additionally, a District Judge position deemed by the Court as an excess position in the WCLS could be reassigned to an urban district and converted to multiple District Magistrate positions to improve the handling of the caseload in the urban districts. This would not require repeal of KSA 20-301b the "one Judge per county and the loss of access to justice for all Kansans. However, statute would have to be amended to reflect the authority of the Supreme Court to convert these positions on retirement, death or resignation.

At this time, District Magistrate Judges have the legal jurisdiction to hear 91% of the cases filed in District Court. However, only 32% of the judges in the District Court system are Magistrate Judges. This jurisdiction includes presiding over all misdemeanor criminal cases and felony cases through first appearances, preliminary hearing and arraignment. Magistrates also authorize search warrants, find probable cause for arrest, and set bonds.

Magistrate Judges may also preside over all juvenile offender and Child in Need of Care cases, and Adoptions. In civil cases, Magistrates preside over limited actions for collections, small claims, temporary orders in domestic relations cases, and protection from abuse or stalking orders. Currently, all probate cases regardless of the monetary size of the estate are heard by Magistrate Judges. Many of these estates will run in the millions of dollars.

For these reasons, KDMJA believes that District Magistrate Judges are an underutilized asset in the Court system. The Blue Ribbon Commission report substantiated this in recommending the increased use of Magistrate Judges for lesser contested cases, thus freeing the District Judges for more complex contested civil and criminal trials. At the current time, six judicial districts do not utilize any Magistrate Judges. Additionally, Magistrate Judges serve without any additional support staff or court reporters thus providing additional cost savings.

Below you will find a breakdown of the total compensation of Judges and support staff:

POSITION	SALARY	BENEFITS	TOTAL COMPENSATION
DISTRICT MAGISTRATE JUDGES	\$ 61,746	\$30,411	\$92,157

DISTRICT JUDGE	\$120,037	\$49,460	\$169,497
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1 st year Court Reporter	\$42,633	\$15,606	\$58,239
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1 st year Admin. Assist	\$28,876	\$12,827	\$41,703
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Compensation for Court Reporters and Administrative Assistants is calculated for these purposes at a 1st year beginning step level. Some District Judges have only a Court Reporter or only an Administrative Assistant while many have both positions as their support staff.

Conversion of 1 District Judge position with staff would yield 2.92 District Magistrate Judges

In conclusion, we believe with the challenges of increased caseloads in the urban areas and the fiscally challenging times we are facing, the increased use of District Magistrate Judges in the urban areas is a reasonable answer to the needs of the Court. This alternative could occur painlessly through attrition and conversion of a small number of District Judge

positions to District Magistrate Judges. This is the fiscally responsible alternative to improve urban caseload efficiency without depriving the rural districts of access to the court system.

Question: How Many Cases heard by Magistrate Judges are appealed.

In response to the question of the number of appeals from District Magistrate Judges to District Judges, KDMJA made an inquiry of Office of Judicial Administration, but the FullCourt program does not break down the appeals information for Magistrate Judges and only shows all appeals from all Judges in the State and the Court of Appeals.

Upon inquiry of all 79 District Magistrate Judges, we had a response from 18 during the 24 hours we solicited their responses. From those 18, there were 22 appeals filed. The total caseload for the year is unknown, but it is safe to say with the data received that the average for all judges would be less than 1% of the cases heard by Magistrates Judges were appealed.