

Senate Committee on Judiciary

Senator Tim Owens, Chair
Senator Jeff King, Vice Chair
Senator David Haley, Ranking Minority Member

February 16, 2012

9:30 a.m.

Judge Meryl D. Wilson
Twenty-first Judicial District
100 Courthouse Plaza
Manhattan, Kansas 66503

TESTIMONY IN FAVOR OF SB 423

Chairman Owens, Senators: My name is Meryl Wilson. I am starting my 16th year as a district judge for the 21st Judicial District which includes Clay and Riley counties. I am a past president of the Kansas District Judges Association and most recently served as a member of the Blue Ribbon Commission. It is an honor to appear and testify in favor of SB 423. In my opinion this is the most important piece of legislation dealing with the Judicial Branch since 1977. I know you are familiar with the Blue Ribbon Commission so I will not bore you with the details; however, I think it is important to note that members of the BRC and support staff spent thousands of hours, held nineteen community meetings throughout the state and reviewed hundreds of documents, all in less than one year. It was no small feat, with many different opinions expressed.

Think for a minute about your own personal and professional life. Has it changed in the last 35 years? I think we know the answer, yet the Judicial Branch for the most part is still doing business the way we did in 1977. Yes, we have computers, word processing and limited e-filing, but the structure, the nuts and bolts, has not changed.

The key to any meaningful reform is the elimination of the laws requiring a judge to live in a designated county. During the BRC tour of the state we heard all the pros and cons about the “one judge per county” law, and the BRC spent many hours discussing these statutes. As our report indicates the BRC recommends the elimination of these artificial barriers which require judges to live in designated counties.

In today’s environment we can no longer afford to do business the way we have for the last 35 years. The numbers tell us why this change is necessary. How do we justify some judges technically hearing less than 500 cases a year and others technically hearing 4,000 cases per year? I say “technically hear” because many of these cases include traffic offenses which take very little of a judge’s time. The true measure can be found in the weighted case study conducted last year. The weighted caseload study shows a not-surprising correlation between the population of a county and the need for judicial resources in the county. While Kansas has done a fairly good job overall providing judicial resources for the state, it is clear that with a declining population and demand for judicial services in some regions of the state and increasing population and demand for judicial services in other regions, the state has failed to provide for an efficient allocation of those judicial resources. By any economic measure, to require a resident judge in each county in spite of an insufficient demand for judicial services in the county assures an inefficient court system. Overall, Kansas has experienced a growth in population from 1.47 million in 1900 to 2.85 million in 2010. However, 54 of the 105 counties have a smaller population now than in 1900.

As Chief Justice Nuss pointed out in his State of the Judiciary Address, the weighted case study shows that we have enough judges, just in the wrong places. Without reallocation of judges we will need significantly more judges. Passing SB 423 will not eliminate or close any courthouses, and it does not mean a county will no longer have a judge. In fact, the vast majority of counties will have a judge residing within the county, while others will have their judges living in an adjoining county. Finally SB 423 will not reduce the public’s access to the courts; through technology, and better placement of judges, the public will have better access to justice

At this point I would like to use any remaining time to answer your questions or concerns.

Thank you for your consideration.

Hon. Meryl D. Wilson
Twenty-first Judicial District
Clay and Riley County, Kansas