

SENATE COMMITTEE ON JUDICIARY

Hon. Thomas (Tim) Owens, Chairman

Hon. Jeff King, Vice Chairman

Hon. David Haley, R.M. Member

February 16, 2012

9:30 a.m. – Room 548-S

TESTIMONY ON BEHALF OF KANSAS DISTRICT MAGISTRATE

JUDGE'S ASSOCIATION IN OPPOSITION TO SB 423

Thank you, Mr. Chairman and this committee for extending me the opportunity to be here. I am Mike Freelove, Vice President and Legislative Chair of the District Magistrate Judge's Association and Judge in the 16th Judicial District. I speak today on behalf of the District Magistrate Judge's Association. Kansas has 79 District Magistrate Judges serving almost all counties in Kansas.

Having received SB 423 on Friday, our Association has concluded that as written we cannot support the bill. While we understand the Supreme Court's position, the bill has no comprehensive suggestions or plan. While the DMJA supports the idea of efficient allocation of judicial resources, this bill provides no checks and balances for the assurance of unfettered judicial access.

We are concerned what effect the current bill would ultimately have on local county courthouses, staff and perhaps most importantly the public—your constituents. We simply do not know how this bill might change the way that constituency accesses the judiciary. Currently the Chief Justice has the authority given by KSA 20-319(b) to allocate judicial resources as necessary.

The weighted caseload study is 229 pages long. The Blue Ribbon Commission had but a few months to consider the data contained in those 229 pages. No process has been suggested on how to implement changes based not only on that data but also addressing the issue of access to justice.

We acknowledge technology is a method to provide access to justice. We submit that facsimile transmissions, emails, video conferencing and the like should not become the norm and the only access to justice. We submit it should be the exception. Due process and equal access to justice should never be just what is good enough.

As for SB 422, we have concerns what impact transferring the cost of pro tem judges would have on counties already having difficulty financially supporting the judiciary. They already provide court houses, equipment and the local court budget.

We agree that the provision for e-filing in SB 425 is the wave of the future and while we support the technological advance and ultimate benefits to all, we oppose this bill for two specific reasons. First, this bill allows for additional fees to be assessed against all users. Secondly, there is no provision on what costs will be assessed to individual counties while implementing e-filing.

In conclusion, we embrace the idea that changes can be beneficial to all. However, expediency can never be a substitute for learned deliberation and full rights of citizenship in every corner of Kansas.