

**HOUSE COMMITTEE ON THE JUDICIARY**

Hon. Lance Kinzer, Chairman  
Hon. Rob Bruchman, Vice Chairman  
Hon. Janice Pauls, RM Member

February 7, 2013

**TESTIMONY ON BEHALF OF THE KANSAS DISTRICT MAGISTRATE JUDGES ASSOC.  
IN OPPOSITON TO HB2016 and HB2113**

Thank you, Mr. Chairman and Committee Members for extending me the opportunity to appear before you today on behalf of the Kansas District Magistrate Judges. I am Judge Ann Dixson, Vice President and Legislative Chair of the Kansas District Magistrate Judge's Association, and I serve Kiowa County and the 16<sup>th</sup> Judicial District.

I come before you today to address the need for judicial resources in the State of Kansas, and to support a Judicial Branch Budget that adequately funds the needed resources of the Court while maintaining local access to the Court for every citizen of the state. With this goal in mind, the Kansas District Magistrate Judges Association stands in opposition to HB 2016 and HB 2113. We are opposed to the elimination of judicial positions in the rural areas of the state with re-allocation of the judicial positions to the urban courts.

In the State of the Judiciary report submitted last week by Chief Justice Nuss, he quoted the great leader and thinker, President Lincoln in stating; "We must think anew, and act anew." It is the position of the Kansas District Magistrate Judges Association (KDMJA) that it is not only "time to think and act anew", but to address some difficult issues that could increase the efficiency of the court and save taxpayer dollars. Kansas District Magistrate Judges have great respect for our District Judge colleagues, Judges of the Court of Appeals, and The

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Supreme Court. However, as I have learned in presiding over Child in Need of Care and Criminal Cases for the last 18 years, I have discovered that many times the parties are unable to address the “elephant in the room” that could help to bring health and balance to the circumstances they are dealing with.

Kansas District Magistrate Judges have jurisdiction to hear 91% of the cases filed in the court. The salary of a District Magistrate Judge is \$61,755.00 and is approximately half of the salary of a District Judge. Magistrate Judges serve without any support staff or Court reporters. It is our estimation that dollar for dollar, you can get 3 Magistrate positions in exchange for 1 District Judge position and their support staff. This, ladies and gentlemen is the “elephant in the room” that has never been addressed and weighed throughout the 36 years since Court unification.

In the 2014 Judicial Branch budget that has been proposed by the Supreme Court, they are requesting 22 new fully funded judicial positions to ease the heavy caseloads in some urban areas. We do not contest the strong indication in the Weighted Caseload Study of 2010(WCLS) of the need for these positions. In an ideal State with unlimited fiscal resources, we would confidently believe these positions would be funded, as well as the other important line items in the budget. However, we anticipate that with the tough economic times that are before the state, any new proposed spending will be severely scrutinized. Because of these tough fiscal times, KDJMA believes we need to offer solutions to difficult questions.

It is the position of the KDMJA that additional tax dollars may not be needed to provide for many of these requested positions. Many of the judicial positions requested in the budget could be acquired through replacing 7 District Judge positions in the urban areas that need additional resources with multiple District Magistrate positions. This replacement could occur painlessly through attrition at the time of retirement, resignation, or death of District Judges in these Districts. Implementing this plan on a 3 DMJ to 1 DJ ratio, multiplied by 7 District Judge positions would produce 21 new positions that could be

distributed throughout the needy districts. This conversion would reduce the case load per judge and improve access to the court in a timely manner in the urban areas.

Currently, there are six urban judicial districts served solely by District Judges. Several other districts have a disproportionately low number of Magistrate judge positions. (See attached map) These districts suffer from overburdened caseloads because they are not doubling or tripling the efficiency of their courts with the use of District Magistrate Judge positions for the same fiscal note. This means quite simply that the District Judges in these urban areas preside over the 91% of cases within a Magistrate Judges jurisdiction and are being paid double to handle these cases while amplifying the caseload burden per judge in their district as indicated by the WCL study. As the attached Judicial District Map indicates, 6 of the metropolitan districts are District Judge only courts indicated in orange. The yellow highlighted districts have 3 or less Magistrate Judges and are also in need of additional judicial resources.

Additionally, in close proximity to the districts needing additional judicial resources are other districts that were reflected to have a judicial surplus. This includes Wyandotte County in the 29<sup>th</sup> District with a surplus of 2 District Judge positions and Districts 12 and 30 with an indicated surplus that adjoin the needy courts. It is our belief that an inter-district agreement could be created allowing judges in neighboring counties/district to serve the needy urban area in the adjoining district. Magistrate Judges could be assigned to hear cases in the neighboring district as needed each week to bring a better balance. This model has worked very efficiently within other judicial districts for over 25 years.

Twenty-four hour access to the court by law enforcement officials is imperative when seeking search warrants, arrest probable cause findings and other emergency orders. Additionally, maintaining a resident judge in each county allows every citizen access to the court for emergency Protection from Abuse

and Protection from Stalking Orders, and for the investment and accountability of each judge in their local community.

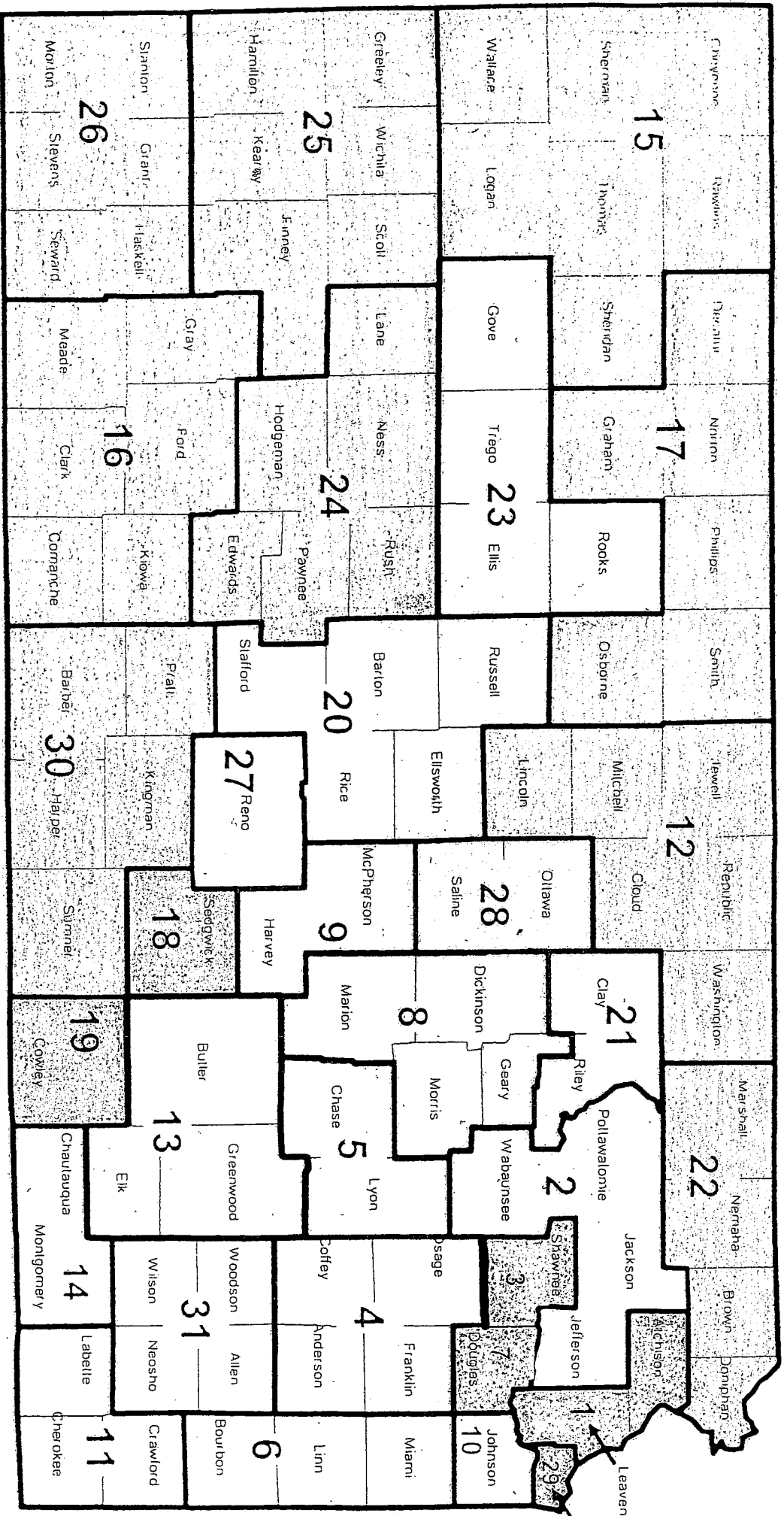
At a time when the Governor is encouraging relocation to small counties with the Rural Opportunity Zone Program; and small counties are working hard to encourage business development, the loss of access to the court in any county of the State would be counterproductive. The Court is the heartbeat of the community and cannot be quantified with a fiscal note!!

### Conclusion

In conclusion, respected ladies and gentlemen, we are all public servants. We are elected and retained to serve the needs of 2.8 million Kansans wherever they choose to reside in the state. It is our duty to be fiscally responsible and good stewards of the judicial resources. It is our duty to supply the foundational levels of judicial service at the best possible fiscal value. These KDMJA recommendations would increase judicial efficiency, reduce the budget, help to balance judicial support staffing issues, and maintain local access to justice for all citizens of every county of this great State! Thank you for your weighty consideration of these recommendations and our opposition to HB 2016 and 2113.

I Stand for Your Questions


# Judicial District Map



 LOSS OF JUDGES AND ACCESS TO THE COURT

 DISTRICT HAS MAGISTRATE JUDGES

 NEED ADDITIONAL JUDGES

 DISTRICT JUDGES ONLY