

Special Session
Kansas Supreme Court



6:30 p.m.

Tuesday, October 4, 2016

Stringer Fine Arts Center

Hutchinson Community College

*On the cover: Kansas Supreme Court
Seated left to right: Hon. Marla J. Luckert; Hon. Lawton R. Nuss,
Chief Justice; and Hon. Carol A. Beier.
Standing left to right: Hon. Dan Biles; Hon. Eric S. Rosen;
Hon. Lee A. Johnson; and Hon. Caleb Stegall.*

Welcome

Welcome to the October 4, 2016, special session of the Kansas Supreme Court in the B.J. Warner Recital Hall in the Stringer Fine Arts Center on the Hutchinson Community College campus.

This is the court's first visit to Hutchinson and its fifth time to have an evening session. When this session concludes, we invite you to join us in a room adjacent to this hall for an informal reception.

This evening, you will hear oral argument in two cases. An oral argument is a discussion of facts and law involved in a case on appeal. Attorneys representing each side of a case are granted 15 minutes to present their arguments. The court can grant additional time.

The Kansas Supreme Court ordinarily sits in its courtroom in the Kansas Judicial Center in Topeka, but it has arranged this special evening session at Hutchinson Community College to make the court's work accessible to more people. The procedures are the same as if the court was sitting in its regular courtroom.

Special Thanks

The Supreme Court extends a heartfelt thanks to Hutchinson Community College. Under the leadership of **Dr. Carter File**, all staff involved have gone well beyond their regular duties to make our visit successful. We appreciate your efforts and hospitality.

The court also thanks the **Hutchinson Police Department**, **Reno County Sheriff's Office**, and **Kansas Highway Patrol** for their help providing security tonight.

Thanks also to **Chief Judge Patricia Macke Dick** and the other judges and court staff of the 27th judicial district for helping the court plan and carry out its visit.

Oral Argument

An oral argument is an oral presentation attorneys make to the court. It is an opportunity for attorneys to emphasize certain legal points and for the appellate court to ask questions about the case to help clarify the parties' arguments.

Oral argument is not an opportunity to raise new facts or new legal arguments. Attorneys must limit their presentation to information in the trial court record and to legal issues raised on appeal.

Order of oral arguments:

- The appellant (party who filed the appeal) speaks first.
- The appellee (opposing party) speaks after the appellant.
- The appellant may follow with a brief rebuttal or reply argument.
- During oral argument, justices may ask the attorneys questions.

Oral arguments are always open to the public. The Kansas Supreme Court has its regular court sessions in the Kansas Judicial Center in Topeka. The court's docket is available online, as is a live webstream of all the court's proceedings. Archived oral arguments are also available. Visit us at www.kscourts.org.



Kansas Supreme Court courtroom in the Kansas Judicial Center in Topeka.

Kansas Appellate Courts

There are two appellate courts in the Kansas judicial system — the Kansas Supreme Court and the Kansas Court of Appeals.

The Court of Appeals hears all appeals from district courts in both civil and criminal cases, except those that may be appealed directly to the Supreme Court. It also has jurisdiction over original actions in habeas corpus and certain appeals from decisions by administrative agencies.

The Kansas Supreme Court is the state court of last resort. It hears direct appeals from district courts in the most serious criminal cases and appeals in cases where a statute has been held unconstitutional. It may review decisions by the Court of Appeals, and it may transfer cases from that court to the Supreme Court. It also has jurisdiction over certain original actions.

Appellate Procedure

An appeal transfers a case from a trial court to a higher court — an appellate court — for review of the lower court decision or judgment to ensure the law has been followed.

An appellate court does not preside over trials. Appellate court hearings do not involve witnesses, juries, new evidence, or court reporters. Instead, an appellate court reviews the written record of the trial court to determine whether any significant legal errors occurred during the trial. The trial court record includes the evidence admitted during the trial, transcripts of witness testimony, and rulings from the trial court.

Appellate procedure requires that parties provide the court with written arguments called briefs. Briefs describe the facts of the case and lay out the parties' legal arguments. The appellate court studies the briefs, examines the trial court record, and researches relevant law. As part of its review, the appellate court may hear oral argument from the attorneys for the parties.

Sometimes during oral arguments, a justice will refer to briefs or other materials like Kansas statutes. The Kansas appellate courts have made the transition from paper to electronic documents, so some justices store case briefs and other legal materials on a laptop computer they carry with them to the bench.

The appellate court can:

- Affirm, to uphold the decision or order of the lower court.
- Reverse, to set aside the decision or order.
- Remand, to send the case back to the lower court with instructions, including instructions to hold a new trial.

Court Decisions

Following oral arguments, the court will discuss in private the legal questions raised in the case. Later, one justice assigned the task of writing the collective decision of the court will begin drafting the court's decision, which is called an opinion. At the same time, the other members of the court are also writing opinions for other cases.

Opinion drafts circulate among members of the court. The justices comment on the circulating opinion drafts and debate legal points with each other. This process continues until a majority of justices agree on a final version of an opinion.

A justice who disagrees with the majority opinion may write a dissent that explains why the justice disagrees. A justice who agrees with the result, but not necessarily for the same reasons, may write a special concurrence.

Court decisions are posted on the Kansas judicial branch website as soon as they are released, typically around 9:30 a.m. Friday mornings, although they can be released any day of the week.

Visit the court's recently released opinions page at www.kscourts.org/Cases-and-Opinions/opinions/default.asp.

Courtroom Participants

Bench: The Kansas Supreme Court sits at the front of the courtroom on a raised platform called the bench. The justice with the most seniority on the bench — the chief justice — sits in the center and the remaining justices alternate taking seats to his right and to his left in order of their seniority. The newest justice on the bench sits to the chief justice’s far left or, if you are facing the bench, to your right.



Justice
Biles

Justice
Rosen

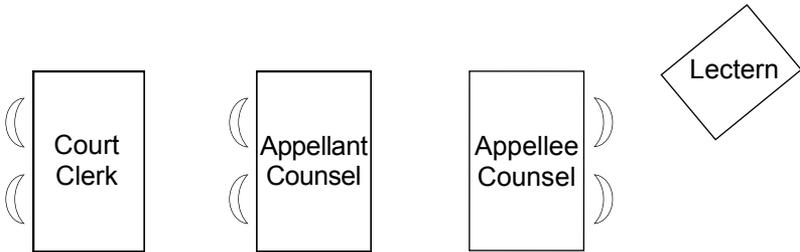
Justice
Luckert

Chief Justice
Nuss

Justice
Beier

Justice
Johnson

Justice
Stegall



Clerk: The Clerk of the Appellate Courts sits at a table near the court’s right end of the bench. The clerk calls the docket at the beginning of the court session.

Bailiff: The bailiff maintains order and announces the court’s arrival in the courtroom. The honorary bailiff for this evening’s session is **Ruth Lloyd**, a Reno County District Court court services officer who has 43 years of state service, 38 of which have been with the Kansas judicial branch.

Attorneys: Attorneys scheduled to argue are seated at tables before the bench. The appellant sits nearest the clerk and the appellee nearest the lectern. Each attorney’s time is monitored by the chief justice and arguments are stopped when the time allotted expires. Justices may ask questions throughout an attorney’s argument to clarify issues the court will discuss later in case conference.

Cases to be Heard

Appeal No. 111,282: State of Kansas v. Gerald E. Cleverly Jr.

Attorney for Appellant (Gerald E. Cleverly Jr.): Carol Longenecker Schmidt, Kansas Appellate Defender

Attorneys for Appellee (State of Kansas): Derek L. Schmidt, Attorney General; Joseph M. Penney, Assistant County Attorney

Butler County: (Petition for Review) Officers stopped a vehicle and the driver gave the officers permission to search it. The driver and passenger Cleverly were patted down before officers searched the vehicle and found contraband tied to the driver. Officers asked and received permission to search possessions of passenger Cleverly. They found a bag of methamphetamine in a pack of cigarettes.

The state charged Cleverly with possession of methamphetamine. After the district court denied Cleverly's motion to suppress the search results, the parties submitted the case for a bench trial and Cleverly was found guilty.

The Court of Appeals held that detaining the driver and passenger during the vehicle search was voluntary and consensual, but the pat down once Cleverly exited the vehicle was illegal because officers lacked reasonable suspicion that he was armed and dangerous. However, the subsequent consensual search of Cleverly's possessions was permissible despite the prior illegal pat down search.

Issues on review are whether Cleverly's detention was voluntary and consensual, and whether the district court erred in denying Cleverly's motion to suppress.



Appeal No. 113,037: *Wagner Interior Supply of Wichita, Inc. v. Puetz Corporation and United Fire & Casualty Co.*

Attorney for Appellant (Wagner Interior Supply of Wichita, Inc.): Vincent F. O'Flaherty

Attorney for Appellees (Puetz Corporation and United Fire & Casualty Co.): Ryan M. Peck

Sedgwick County: (Petition for Review) Puetz Corporation was the general contractor for the design and construction of a Holiday Inn Express Hotel owned by Wichita Hospitality Group. Puetz subcontracted drywall work to Dynamic Drywall and paid Dynamic for materials and services. Dynamic obtained the materials from Wagner Interior Supply. Dynamic failed to pay \$108,162.97 owed to Wagner. Wagner demanded payment from all parties, but no one paid. Wagner then filed a lien statement, but the document incorrectly identified Dynamic Drywall instead of Puetz as the general contractor and did not name Wichita Hospitality as the owner. Wagner never corrected the lien statement. Later, Puetz filed a bond to release the lien. Wagner filed a petition to recover under the bond, claiming the misidentification of the parties in the lien statement did not matter because it was not required to show that it had perfected its lien. The district court disagreed and granted summary judgment to Puetz.

The Court of Appeals, in reversing the district court, ruled that pursuant to the plain language of the statute, filing a bond to release a lien discharges a mechanic's lien, even if the lien was not perfected.

Issues on review are whether the Court of Appeals erred in reversing the district court and finding that: 1) by posting a bond, Puetz waived all claims regarding the disputed lien's undeniable imperfections; and 2) the disputed lien was discharged and eliminated by posting the bond, rather than allowing the disputed lien to be the subject of litigation in the bond proceeding.

Kansas Supreme Court

The Kansas Supreme Court is the highest court in the state court system. A Supreme Court decision sets binding legal precedent that lower courts must follow.

The Supreme Court also regulates the practice of law in Kansas through its authority to admit persons to practice as attorneys in the courts of Kansas, to prescribe rules to supervise attorney conduct, and to discipline attorneys.

The Supreme Court also approves rules of procedure and practice used throughout state courts in Kansas. Under the Kansas Constitution, the court has supervisory authority over the entire judicial branch and over all judicial officers and court employees.

Becoming a Justice

Supreme Court justices are appointed to the bench through a merit-based nomination process that Kansans voted to add to the Kansas Constitution more than 50 years ago.

When there is a vacancy on the bench, the Supreme Court Nominating Commission reviews applications and interviews candidates for Supreme Court justice. The commission narrows the candidate pool to three names that it sends to the governor. The governor chooses one candidate to appoint to the bench.

The Supreme Court Nominating Commission has nine members. There are four lawyers representing each of the state's four congressional districts, four laypersons representing each of the congressional districts, and one lawyer chairperson.

Laypersons on the commission are appointed by the governor. Lawyers that represent a congressional district are elected to the commission by other lawyers within their district. The chairperson is elected by lawyers statewide.

Learn more about the Supreme Court Nominating Commission at www.kscourts.org/appellate-clerk/nominating-commission.

Judges and justices must follow the law and not be influenced by politics, special interest groups, public opinion, or their own personal beliefs. When the Supreme Court Nominating Commission reviews candidates for justice, they look at the person's:

- legal and judicial experience
- educational background
- character and ethics
- temperament
- service to the community
- impartiality
- respect of colleagues

Judges and justices demonstrate their accountability by following a Code of Judicial Conduct that establishes standards of ethical behavior. They also take an oath of office that includes swearing to support, protect, and defend the U.S. Constitution and Kansas Constitution.

Retention Elections

Once a justice takes a seat on the bench, his or her term expires the second Monday in January following the first general election that occurs after he or she has served 12 months in office.

To remain on the bench, the justice must file with the Secretary of State a declaration of candidacy for election to succeed himself or herself at least 60 days prior to the next general election. If the justice makes that declaration, his or her name will appear on the ballot. Justices retained by voters serve six-year terms.

To learn more about retention election candidates, read their biographies on the Kansas judicial branch website at www.kscourts.org/.

Meet the Justices



Chief Justice Lawton R. Nuss was appointed to the Supreme Court by Governor Bill Graves in 2002 and became chief justice in 2010. As chief justice, he presides over the Supreme Court as it exercises its administrative authority over all state courts.

Nuss is a fourth-generation Kansan who was born in Salina. He attended the University of Kansas on a Naval Reserve Officers Training Corps scholarship and was commissioned a second lieutenant in the United States Marine Corps after graduating. He served as a combat engineering officer with the Fleet Marine Force Pacific before graduating from the KU School of Law.

Nuss practiced law with a Salina firm for 20 years, representing a range of plaintiffs and defendants on all types of cases. With input from judges and lawyers, he earned an "AV" rating from Martindale-Hubbell, the highest rating attainable for legal ability and professional ethics.

As a lawyer, he served as president of the Kansas Association of Defense Counsel; as a mediator for the U.S. District Court for the District of Kansas; and as chairman of the Salvation Army Advisory Board.

Since then, he has been named a Distinguished Alumnus of the KU School of Law, a judge of the National Cowboy (Poetry) Rodeo, and an honorary Marshal of Dodge City.

He is a past member of the board of directors of the National Conference of Chief Justices.

Nuss is Supreme Court liaison to the Kansas District Judges' Association.

Read his full biography at www.kscourts.org/kansas-courts/supreme-court/justice-bios/nuss.asp.



Justice Marla J. Luckert was appointed to the Supreme Court in 2003.

Luckert was born in Goodland and received her juris doctorate and bachelor of arts degrees, both with academic honors, from Washburn University. She served as technical editor of the Washburn Law Journal and received the faculty and alumni awards for best student note.

After law school, Luckert joined Goodell, Stratton, Edmonds and Palmer, where she had a general litigation and health law practice. She was selected by her peers to be included in The Best Lawyers in America. She also served as an adjunct professor of law at Washburn University.

In 1992, Luckert was appointed judge of the Third Judicial District Court, where she became chief judge in 2000.

Luckert is a member of many legal organizations and has previously served as president of the Kansas Bar Association, the Kansas District Judges Association, the Kansas Women Attorneys Association, the Topeka Bar Association, the Sam A. Crow Inn of Court, and the Women Attorneys Association of Topeka.

She has received distinguished service awards from Washburn University School of Law and the Kansas and Topeka Bar Associations. She has received achievement awards from the Kansas and Topeka Women Attorneys Association and the Hon. E. Newton Vickers Professionalism Award. She was recognized by Washburn University as an alumni fellow, Topeka YWCA as a Woman of Excellence, and by Go Topeka's Entrepreneurial and Minority Business Development Program as a Woman of Influence. She has served on boards for charitable and civic groups and been an active community volunteer, including delivering meals for many decades for Meals on Wheels.

Luckert is the Supreme Court liaison to the Commission on Judicial Qualifications, Judges Assistance Committee, Kansas Judicial Council, and Language Access Committee.

Read her full biography at www.kscourts.org/kansas-courts/supreme-court/justice-bios/luckert.asp.

Justice Carol A. Beier was appointed to the Supreme Court in 2003, after serving more than three years on the Court of Appeals.

Before taking the bench, Beier was a partner at Foulston Siefkin LLP in Wichita, where she had a broad trial and appellate practice. She also spent one year as a visiting professor at the University of Kansas School of Law, where she designed and taught a course on women and the law, taught an advanced torts class, and directed two student clinical programs.



She began her legal career as a law clerk to Judge James K. Logan of the U.S. Court of Appeals for the Tenth Circuit. When her clerkship ended, she was awarded a Revson fellowship at the Georgetown Law Center Women's Rights and Public Policy Program.

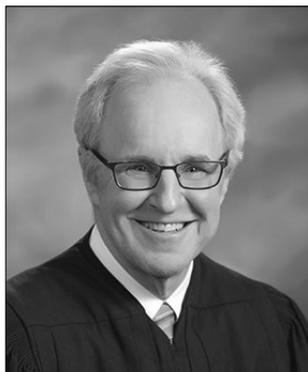
Beier received her law degree from the University of Kansas School of Law and a Master of Laws degree from the University of Virginia School of Law. She was named to the Order of the Coif law honorary society and selected by the KU law faculty to receive the Samuel Mellinger Award for Scholarship, Leadership, and Service.

Beier is a member of the National Association of Women Judges, the American Bar Association, Kansas Bar Association, and Wichita Bar Association. She is a fellow of the Kansas Bar Foundation and a founding member of the Kansas Women Attorneys Association.

In 2015, Beier received the Betty M. Drees, M.D., Distinguished Alumna Award from Women in Medicine and, in 2013, the Distinguished Alumni Award from the University of Kansas School of Law. In 2012, she was named to the University of Kansas Women's Hall of Fame.

Beier is the Supreme Court liaison for all education, training, and testing for judges and lawyers, and for attorney registration. She also is liaison to the Board of Law Examiners.

Read her full biography at www.kscourts.org/kansas-courts/supreme-court/justice-bios/beier.asp.



Justice Eric S. Rosen was appointed to the Supreme Court in 2005.

Rosen is from Topeka and earned a bachelor's degree and a master's degree with honors from the University of Kansas. He received his law degree from Washburn University School of Law.

Before he was justice, Rosen served 12 years as judge in the Third Judicial District Court, where he presided over criminal and civil cases. He also served two years as chief judge of the district's domestic division.

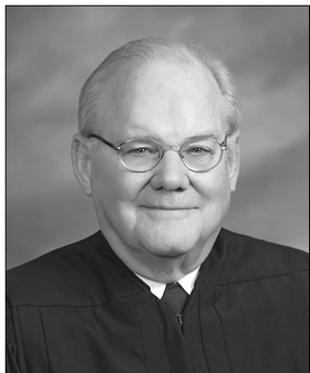
In 2002, Rosen served on a 24-member presidential commission charged with commemorating the 50th anniversary of the *Brown v. Board of Education* decision of the U.S. Supreme Court. Other commendations include the Martin Luther King Living the Dream Humanitarian Award, the Attorney General's Victim Service Award for Outstanding Judge, and the Topeka Capital-Journal's Kansas of Distinction in the area of law in 1999. In 2013, he was inducted into the Topeka West High School graduate hall of fame.

Before becoming a judge, Rosen was a partner in the law firm of Hein, Ebert and Rosen. He also served as associate general counsel for the Kansas Securities Commissioner, as assistant district attorney, and assistant public defender in Shawnee County.

Rosen graduated from Appellate Judges School at New York University School of Law and is a member of that school's Dwight D. Opperman Institute of Judicial Administration. He is a member of the American Judges Association, American Judicature Society, Kansas District Judges Association, and the American, Kansas and Topeka Bar Associations.

He is the Supreme Court liaison for attorney disciplinary matters. He also is liaison to the Lawyers Assistance Program and to court services officers.

Read his full biography at www.kscourts.org/kansas-courts/supreme-court/justice-bios/rosen.asp.



Justice Lee A. Johnson was appointed to the Supreme Court in 2007.

Johnson was born and raised in Caldwell, the fourth generation to farm, ranch and operate businesses in Sumner County. He graduated from the University of Kansas in 1969 with a degree in business administration, and then served two years' active duty in the U.S. Army, Corps of Engineers, attaining the rank of sergeant, E-5.

Following his service, Johnson became a licensed, multiline insurance agent, managing the family's agency in Caldwell, where he was active in many community organizations, and served a term as Caldwell's mayor.

In 1977, he entered Washburn University School of Law and graduated summa cum laude in December 1979. While a student, Johnson served one year as the school's placement director.

After law school, Johnson practiced law in Caldwell, first in partnership with Don B. Stallings and later as a sole practitioner. At various times, he served as city attorney for Caldwell, Argonia, and Hunnewell, as well as counsel for the local school and hospital districts. His community service included 16 years on the Sumner Mental Health Board, with one term as president. He served one term as Sumner County Bar president.

In 2001, Governor Bill Graves appointed Johnson to the Court of Appeals, where he served on the motions panel and as liaison to the district judges' executive committee.

In January 2007, Governor Kathleen Sebelius appointed him to the Supreme Court, where his liaison assignments include various children and family committees and commissions, as well as the district magistrate judges' executive committee.

Read his full biography at www.kscourts.org/kansas-courts/supreme-court/justice-bios/johnson.asp.



Justice Dan Biles was appointed to the Supreme Court in 2009.

Biles was born in El Dorado. He graduated from Kansas State University with a degree in journalism and from Washburn University School of Law.

After law school, Biles served as assistant attorney general in charge of the litigation division under Robert T. Stephan. He then entered private practice in Overland Park, where he focused on administrative, trial, and appellate work on behalf of individuals, corporations, and various state, county, and local government agencies. He represented the Kansas State Board of Education as its private attorney until he was appointed to the Supreme Court.

Biles is a past chair of the National Council of State Education Attorneys, which is connected to the National Association of State Boards of Education, Washington, D.C. In 2009, he received the state education attorney's Douglas F. Bates Distinguished Service Award.

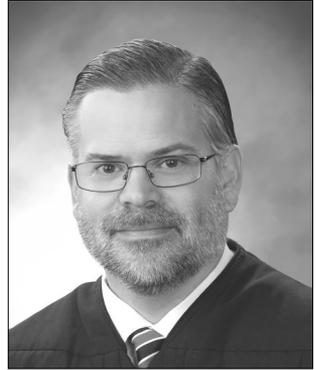
He has been active in many organizations and has served on the board of directors of Community Living Opportunities Inc., a Kansas nonprofit corporation serving more than 300 children and adults with severe developmental disabilities in residential, day programs, and case management. He also served as an advisory board member of the Johnson County Housing Coalition and as a member of Friends of the Schiefelbusch Life Span Institute.

Biles is the Supreme Court liaison for electronic case filing and electronic case management in state district and appellate courts, a multiyear effort that will improve court efficiency and generate cost savings. He also is court liaison for access to justice and the Kansas Bar Association's federal courts committee.

Read his full biography at www.kscourts.org/kansas-courts/supreme-court/justice-bios/biles.asp.

Justice Caleb Stegall was appointed to the Supreme Court in 2014.

Stegall was born in Topeka. He graduated from Geneva College, in Beaver Falls, Pennsylvania, and from the University of Kansas School of Law. He served on the Kansas Law Review, was awarded the William L. Burdick Prize, and graduated Order of the Coif.



Stegall started his law career serving as a law clerk to Judge Deanell R. Tacha, Tenth Circuit U.S. Court of Appeals. He then joined the Topeka office of the Foulston Siefkin law firm, where he practiced in commercial, tort, and appellate litigation.

He later formed Stegall & Associates in Perry, specializing in complex constitutional and commercial litigation. He successfully represented American missionaries charged with serious crimes in Haiti following that country's earthquake in 2010, for which he was awarded the Kansas Bar Association's 2010 Pro Bono Certificate.

Stegall served as the elected county attorney of Jefferson County, where he oversaw a full-time staff that managed a yearly caseload of hundreds of felonies and misdemeanors. He personally handled the most serious of these, including prosecuting cases of murder, rape, crimes against children, drug manufacture and distribution, and white collar financial crimes.

Stegall is the Supreme Court liaison for the Client Protection Fund Commission, Board of Examiners of Court Reporters, and Criminal Justice Coordinating Council. He also is liaison for the judicial center security committee and to court clerks.

Read his full biography at www.kscourts.org/kansas-courts/supreme-court/justice-bios/Stegall.asp.

Kansas Judicial Branch

Kansas state government, like our federal government, is composed of three branches: the legislative branch, which makes laws; the executive branch, which enforces laws; and the judicial branch, which interprets and applies laws.

Kansas courts are unified in the Kansas judicial branch. In 1972, the people of Kansas voted to add to the Kansas Constitution an amendment that vests judicial power in a single court system, with the Supreme Court having general administrative authority over all courts in Kansas.

Kansas courts — including district courts, the Court of Appeals, and the Supreme Court — provide the people of Kansas a venue to resolve disputes through a legal process by interpreting and applying the law and by determining when laws are unconstitutional.

District Courts

District courts are trial courts, with general original jurisdiction over all civil and criminal cases, including divorce and domestic relations, damage suits, probate and estate administration, guardianships, conservatorships, care of the mentally ill, juvenile matters, and small claims. It is where criminal and civil jury trials take place.

District courts are created by the Kansas Constitution. They are grouped in 31 judicial districts, with each district having at least one district judge. The districts vary in size from one to many counties and in number of judges in each district.

Kansas statutes require that each county have a district court with at least one judge, either district or magistrate, who is a resident of and has his or her principal office in that county. Each district court also is required to have an office of the clerk of the court where cases may be filed.

Each judicial district has a chief judge who makes case assignments and has general supervisory authority over the clerical and administrative functions of the court.

The chief judge may appoint either a chief clerk or a court administrator to help with administrative functions, like jury management, personnel administration, and budget preparation.

Each judicial district also has a court services division in which court services officers supervise the probation of nearly 17,000 adult and juvenile offenders, work with children in need of care, conduct home studies or mediations for divorce and child custody issues, and research and write presentence investigation reports.

Caseload

Each year, Kansas courts process about 386,000 cases. At the district court level, this includes roughly:

- 1,800 adoptions
- 7,000 property disputes
- 8,900 probate cases
- 12,300 divorces
- 14,700 misdemeanor cases
- 19,400 felony cases
- 100,100 contract disputes

District courts also protect vulnerable Kansans by issuing about 13,000 restraining orders and processing more than 6,600 child in need of care cases.

Budget

The estimated Kansas judicial branch budget for fiscal year 2017 is \$135 million. Of that amount, \$105 million is from the state general fund. Kansas courts make up less than 1 percent of the total state budget.

The balance of the judicial branch budget — about \$33 million — comes from grants and fees collected by courts. However, not all fees that courts collect support court operations. A portion of fees paid to courts, and nearly all fines and forfeitures, go into the state general fund or into other state and local expenditure-specific funds as spelled out in statute.

Expenditures

Each Kansas county pays the operating expenses for the district court within its county, including the cost of maintaining court facilities, and providing office supplies and equipment needed for court operations.

Because most district court building and operating expenses are paid for by counties, nearly all of the judicial branch budget is used to pay salaries for 270 judges and justices and 1,600 court employees.

Funding Requests

The judicial branch consistently asks the Kansas Legislature for the funding it needs to adequately staff courts, and to fairly compensate judges and employees, so courts are able to meet the needs of the communities they serve.

At the same time that we've asked for adequate funding, we've also analyzed court staffing to ensure it's appropriate for the number of cases our courts process. Initially we measured judge and court clerk office staffing compared to caseload for individual courts. Then, we took a comprehensive look at the level of all staffing needed for Kansas courts to provide efficient, effective and timely service using a zero-based approach backed by as much empirical justification as possible.

In addition to our objective analysis of staffing needs, we also secured a grant for a project to analyze classification and

compensation for Kansas court employees. We already know that Kansas district judge salaries — last increased in fiscal year 2009 — are ranked 50th in the nation according to the National Center for State Court’s annual report, *Survey of Judicial Salaries*. The grant project was to look at compensation for other court workers, including district magistrate judges, court services officers, court administrators, clerks and more.

What we learned is that more than a quarter of judicial branch positions have starting salaries that fall below the federal poverty level for a family of four. Pay for every job classification is below market rate, ranging from 4.6 percent below to up to 22.2 percent below. And, nearly one-third of our employees work more than one job to make ends meet.

Judicial branch employees who are not judges have had only one pay raise since 2009. That 2 percent increase in 2014 came at the same time insurance and other employee-funded costs increased, so it had little to no effect on the financial wellbeing of the employees who received it.

The judicial branch continues to ask the Legislature for enough funding to allow it to be adequately staffed to meet the needs of the communities the courts serve and for its employees to be fairly compensated for their work. In its current budget request, the judicial branch again asked for funding to provide judges and court staff long overdue pay increases.

Providing adequate funding ensures that courts remain accessible to all Kansans and that courts are able to deliver timely justice to the people and businesses of Kansas.



Kansas Supreme Court
Kansas Judicial Center
301 SW 10th Avenue
Topeka, KS 66612-1507
www.kscourts.org
785-296-2256