

The State of Kansas Courts

By Chief Justice Lawton Nuss, Kansas Supreme Court

In the October 2010 issue of the *Journal of the Kansas Bar Association*, I wrote to inform you about the lengthy project the Supreme Court was undertaking. One component of this endeavor called “Project Pegasus” is a Court-appointed Blue Ribbon Commission tasked with reviewing the operations of the Kansas Judicial Branch and making recommendations for possible changes. The other component is Kansas’ first-ever weighted caseload study to assist the Court in measuring the actual workloads in all district courts as accurately as possible. On behalf of my fellow justices, I am pleased to now update you on the progress of Project Pegasus since my article.

Blue Ribbon Commission

In November, the month after my *Journal* article, the Supreme Court began to form the Blue Ribbon Commission by inviting then-Gov. Mark Parkinson, Gov.-elect Sam Brownback, President of the Senate Steve Morris, and Speaker of the House Mike O’Neal to appoint one member each to the Commission. The Court next invited local bar associations and professional organizations to nominate members. We received a nominee list of more than 150 talented Kansans from 63 nominating entities. Between the elected officials’ 4 appointments, and those of the Court, 25 hardworking Kansans now serve on the Commission. We took care to make the appointments representative of a variety of backgrounds and leadership positions. Judge Patrick McAnany of the Kansas Court of Appeals agreed to serve as Commission chair, and Professor Jeff Jackson of Washburn University School of Law agreed to serve as reporter. (The names of Commission members are contained in the shaded box.)

The Blue Ribbon Commission held its first meeting on March 9 where I presented the Commission’s charge. Its members are to review the operations of the Kansas state courts; discuss with the Supreme Court justices their view of issues confronting the Judicial Branch, including technology, structure, records, administrative supervision, financing, and workload of judicial and nonjudicial personnel; visit communities around the state and discuss with interested groups the impact of the courts on those communities; and ultimately make recommendations in a report to the Court.

Per the Commission’s charge, it conducted information-gathering meetings in 18 cities around the state. Each city had two meetings, with Topeka hosting four. One meeting was for invited guests such as county officials, attorneys, domestic violence prevention groups, and others who are frequently involved with the courts. The second meeting was open to the general public.

The Commission’s first community meeting was held in Norton on April 18; the last was held in Topeka on June 6.

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Every meeting was guided by a panel of three Commission members while notes were taken by a member of the staff of the Kansas Judicial Branch. The many ideas and sentiments expressed at the meetings – some conventional, some not – were consolidated in minutes that are available for viewing at the Commission’s website: www.kscourts.org/Judicial-Branch-Review/Blue_Ribbon_Commission/default.asp



Chief Justice Lawton Nuss

In addition to the Commission members serving on three-person panels to guide these community meetings, they also divided into three work groups to study different issues in the Kansas court system. One work group, chaired by Judge Meryl Wilson, of Manhattan, considers structure; the second group, chaired by Senator Jeffrey King, of Independence, considers finance; and the third group, chaired by Finney County Attorney John Wheeler, considers technology and processes. Each of these groups met several times this summer and fall in order to eventually submit recommendations for the full Commission’s consideration.

The full Commission met a second time on July 13 to study the preliminary recommendations from the three work groups and the preliminary results from the weighted caseload study described below. The full Commission met a third time on September 28 and will further meet this fall and winter. Experienced professionals from the National Center for State Courts have been assisting the Commission in all of the members’ efforts, and staff from the Office of Judicial Administration has been responding to the Commission’s numerous requests for additional information.

Per the Commission’s charge, it will present its final report to the Supreme Court in early January 2012. Based upon the Commission’s recommendations, the Court will look at possible improvements in various aspects of the Kansas court system. Should any of the Court’s eventual plans require legislation, we intend for them to be presented to the legislature in sufficient time for its action during the 2012 session.

Weighted Caseload Study

Pegasus’ second component is the weighted caseload study. This essentially means that all district judges and district magistrate judges, as well as many nonjudicial staff members, tracked how their working hours were spent, according to case types and task types, by entering their time into an online database.

I am pleased to inform you that the professionals from the National Center who guided the study were very impressed with our Kansas judges and staff. They gave a number of reasons, but I will share just two. First, while nearly all of the 33 other states conducting weighted caseload studies have been satisfied with one data collection period, our judges and

staff agreed to perform in two such periods: one in January-February and one in April-May. Second, while most states working with the National Center have been pleased to obtain participation rates that are typically in the 90 percent range, 100 percent of Kansas judges in the district courts participated. Additionally, more than 99 percent of the staff in district court clerks' offices participated.

Kansas judges and staff performed this extra work at such high participatory rates because they wanted the most accurate results possible. Accordingly, I believe Kansas may have the most reliable data on weighted caseloads in the history of the National Center. I consider this a real tribute to your local judges and their staffs as well as a demonstration of the Kansas work ethic.

Based upon this data, the National Center produced reports for analysis by the Judicial Needs Assessment Committee (composed of 14 Kansas judges) and the Staffing Needs Assessment Committee (composed of 14 staff members). These two committees have met numerous times with the National Center's experts to thoroughly evaluate the data, to consider a variety of potentially influencing factors, and to receive input from judges and staff across the state.

As mentioned, these committees shared their preliminary results with the Blue Ribbon Commission this summer. The committees' completed report, containing their best efforts at weighting the caseloads, will be presented to the Commission for its consideration by November 1. The weighted caseloads eventually will assist the Court in allocating human resources and other assets in the Kansas Judicial Branch.

Additional Studies

In addition to the weighted caseload study, judges and staff were asked to complete an online "adequacy of time" survey. The survey asked the participants to assess whether sufficient time was allowed for the various tasks they were asked to perform. These survey results were then provided to the two needs assessment committees to help determine case weights. After all, if the raw data from the caseload survey was accurate, but the adequacy of time survey revealed that people had insufficient time to satisfactorily perform their recorded functions, then adjustments would need to be made. The National Center professionals were again extremely pleased with the high rate of Kansas participation.

Summary

As I wrote in last October's *Journal* article, economics is not the Supreme Court's sole consideration as we look at possible improvements in the Kansas court system and for ways to make better use of taxpayer money. We also consider Kansans' access to justice and will work hard to ensure it. I additionally wrote, and again emphasize, that the Court has no preconceived ideas on what, if any, changes should be made to Kansas courts. But throughout Project Pegasus the Court has been committed to the principle that if changes are made, it is essential they be the right changes. Kansans deserve no less. ■

BLUE RIBBON COMMISSION MEMBERS

- Hon. Patrick D. McAnany**, Chair, Kansas Court of Appeals, Topeka
- Hon. Constance Alvey**, Wyandotte County District Court Judge, Kansas City
- Bob Boaldin**, Owner of Epic Touch, Elkhart
- Richard A. Boeckman**, Barton County Counselor/Administrator, Great Bend
- Hon. Blaine A. Carter**, Wabaunsee County District Magistrate Judge, Alma
- Hon. Kim Cudney**, Chief Judge of the 12th Judicial District, Washington
- Donna Elliott**, Graham County Clerk of the District Court, Hill City
- Hon. Richard Flax**, Trego County District Magistrate Judge, Wakeeney
- Joseph F. Harkins**, Commissioner of the Kansas Corporation Commission, Lawrence
- Karen Hester**, University of Kansas School of Law, Career Services Director and Diversity & Inclusion Director, Lawrence
- Martha Hodgesmith**, University of Kansas, Disability Policy Associate Director, Lawrence
- Rep. Kasha Kelley**, Kansas House of Representatives, Arkansas City
- Sen. Jeffrey R. King**, Kansas Senate, Independence
- Susan Lynn**, Editor and Publisher, The Iola Register, Iola
- Doris Miller**, Co-Owner of Rocking M Radio, Manhattan
- Mike Padilla**, Chief Enforcement Officer, Kansas Department of Revenue, Alcoholic Beverage Control, Topeka
- Linda Parks**, Attorney, Hite, Fanning & Honeyman LLP, Wichita
- Prof. Reginald Robinson**, Washburn University School of Law, Topeka
- Gerald O. Schultz**, Attorney, Garden City
- Sam H. Sheldon**, Attorney, Haley Title Co., Ottawa
- Sen. John Vratil**, Kansas Senate, Overland Park
- John P. Wheeler Jr.**, Finney County Attorney, Garden City
- Calvin Williams**, Attorney, Colby
- Sam Williams**, Sullivan Higdon & Sink, Wichita
- Hon. Meryl D. Wilson**, Riley County District Court Judge, Manhattan