



Blue Ribbon Commission

January 2016 Status Summary Kansas Supreme Court Blue Ribbon Commission Recommendations

Following are the recommendations made by the Kansas Supreme Court's Blue Ribbon Commission with a status summary as of January 2016. The complete text of the Blue Ribbon Commission report, [*Recommendations for Improving the Kansas Judicial System*](#), is available on the judicial branch website.

I. Structural Changes

1. The Supreme Court should recommend legislation to end the one-resident-judge-per-county restriction on the placement of judges. (BRC Report, 31.)

Other statutes requiring the placement of judges in specific districts and counties should be eliminated.

2. Judicial districts should not be consolidated. (BRC Report, 45.)

Consolidation or redistricting of judicial districts is not a viable alternative to eliminating the one resident-judge-per-county restriction.

Status:

The 2012 Kansas Legislature did not adopt the Supreme Court's proposal to repeal statutes that specify the number of judges that must be placed in certain counties and judicial districts, nor did the 2013, 2014, or 2015 Legislature add or fund new judicial positions and accompanying staff to meet judicial needs requested by the court, as identified by the Kansas District Court Judicial and Clerk Staff Weighted Caseload Study results for the last several years. Judicial district staffing needs, as determined by the study, are kept current by applying updated case filing statistics as they become available. These updates allow the study to remain a valuable resource for the court.

Because the weighted caseload study limited its examination of workloads to only judges and court clerks, the Supreme Court directed the Office of Judicial Administration to make a fresh appraisal of positions the Supreme Court, the Court of Appeals, each judicial district, and each judicial branch office must have to meet the needs of the communities served. The objective of this personnel needs assessment is to identify the level of staffing required for Kansas courts to provide efficient, effective, and timely service, using a zero-based budgeting approach backed by as much empirical justification as possible. It takes into account caseload statistics and other data, as well as the experience and observations of the Supreme Court, chief judges, administrators, and their employees. This approach also provides an opportunity to consider the impact technology advancements may have on judicial branch staffing needs.

II. District Magistrate Judges

1. The ratio of district magistrate judges to district judges should be increased. (BRC Report, 49.)

Consistent with the Weighted Caseload Study, this should be achieved by increasing the number of district magistrate judges while reducing (through attrition) the number of district judges.

2. All future district magistrate judges should be lawyers. (BRC Report, 56.)

The selection of lawyers to become district magistrate judges will increase flexibility and public faith in the judicial system.

Existing district magistrate judges who are not lawyers should be able to continue in office and to run for reelection or retention.

Current non-lawyer district magistrate judges who leave the bench should not be eligible to hold future judicial positions unless they become lawyers.

3. The Supreme Court should seek to expand the subject matter jurisdiction of district magistrate judges. (BRC Report, 60.)

District magistrate judges should be permitted to hear uncontested or less complicated matters which they are currently not permitted to hear.

Expanded district magistrate judge subject matter jurisdiction should not include more complex issues, except by consent of the parties involved.

4. There should be no automatic de novo appeal to a district judge from a final order or decision on the record by a lawyer district magistrate judge. (BRC Report, 62.)

Appeals from final decisions of district magistrate judges who are lawyers should follow the normal appeal process to the Court of Appeals or Supreme Court.

All final orders and decisions by any district magistrate judge (lawyer or not) should be on the record.

5. Counties should not be allowed to hire their own district magistrate judges. (BRC Report, 64.)

Counties should continue to be able to hire and pay for lawyers to serve as pro tem judges.

Counties should continue to be able to supplement the pay of district magistrate judges.

Status:

In 2014, Senate Bill for House Bill 2065 (now codified as K.S.A. 20-302b) attempted to increase the scope of jurisdiction for a district magistrate judge as recommended by the Blue Ribbon Commission. However, in the process, jurisdiction over some case types was unintentionally stricken and consent of all parties became required for a district magistrate judge to hear a case. During the 2015 legislative session, jurisdiction for a district magistrate judge was clarified to rectify these areas.

III. Electronic Filing

1. Electronic filing and centralized case and document management systems should be developed and implemented statewide as soon as possible. (BRC Report, 65.)

The costs for the systems should be paid by state funds and user fees.

E-filing should be implemented first.

Modifications to permit statewide accessibility of the case management and document management systems should follow as quickly as possible.

2. Statewide e-filing should be mandatory (with exceptions only for pro se, small claims, and indigent litigants). (BRC Report, 69.)

There should be an e-filing fee for civil cases to supplement state funds for development, maintenance, and enhancement of the e-filing, case management, and document management systems, and to establish a fund for future updating of software and hardware.

3. All e-filers, including pro se litigants, small claims litigants, and indigent litigants who choose to e-file, should be required to pay civil e-filing fees. (BRC Report, 71.)
4. All e-filing fees, without exception, should go to the Judicial Branch. (BRC Report, 71.)
5. The e-filing system should be phased in to eventually cover all counties and judicial districts and the appellate courts. (BRC Report, 72.)

In order to generate e-filing fees quickly, high volume courts should be phased in first, followed by courts with a lower volume of cases, followed by the appellate courts.

6. Statewide implementation of e-filing should be accomplished within three years. (BRC Report, 74.)
7. If leasing would result in quicker statewide implementation, the Supreme Court should consider leasing the e-filing system rather than using a purchase/license payment structure. (BRC Report, 74.)

8. Decisions on hardware acquisitions should be left to the counties. (BRC Report, 75.)

But the Court's Office of Judicial Administration should develop a list of recommended hardware.

9. The Supreme Court should permit e-filing access for pro se and inmate litigants that assure access to justice without abuses or breaches of privacy rights. (BRC Report, 76.)

The Court should consult with the National Center for State Courts for information regarding pro se and inmate use of e-systems.

10. The Supreme Court should develop appropriate rules to allow late filings by litigants who are unable to timely e-file because of the unavailability of e-filing systems due to technical or other problems. (BRC Report, 77.)

11. All court records and documents should be e-accessible statewide. (BRC Report, 78.)

The Supreme Court should establish access standards for both represented parties and pro se litigants.

Before making e-access available to the public and to litigants, the Court should adopt policies and procedures designed to protect privacy rights.

12. The Supreme Court should adopt rules or propose legislation to recognize the courts' electronic version of documents as the official court record. (BRC Report, 79.)

Status:

Electronic Filing. Electronic filing continues to be implemented in district courts and is expected it to be in place statewide by the end of fiscal year 2016. More than 4,000 attorneys are already filing electronically in the appellate court and in district courts in 77 counties, including Johnson County, with its JIMS E-filing system. More than 400,000 pleadings were filed electronically in calendar year 2015.

Beginning November 2, 2015, attorneys are required to file electronically in the appellate courts and, in calendar year 2016, eight judicial districts composed of 27 counties also plan to make electronic filing by attorneys mandatory.

Bulk electronic filing, or filing multiple cases by the same party at one time without requiring duplicate data entry, continues to be refined.

The 2014 Legislature established the Electronic Filing and Case Management Fund with deposits dedicated to finalizing the e-filing project and implementing electronic courts. The Legislature directed that the first \$3.1 million received in docket fee revenue in fiscal years 2015, 2016, and 2017 be deposited into that fund. In fiscal year 2018 and subsequent years, the first \$1 million in docket fee revenue is directed into the fund. In 2015, legislation was passed to extend by one year the requirement that \$3.1 million be deposited into the fund and to allow revenue deposited into the fund in

fiscal years 2015 and 2016 to be used for general judicial branch expenditures. It was the Legislature's expectation that revenue for technology uses would be generated from new and increased fees enacted by the 2014 Legislature. However, these new and increased fees have not generated revenue at the rate the Legislature envisioned. As a result, the 2015 Legislature appropriated state general fund money in fiscal years 2016 and 2017 to make up for the docket fee revenue shortfall.

Kansas eCourt. The Supreme Court continues to develop and implement a statewide centralized electronic court environment (Kansas eCourt). In 2012, the Gartner Group assessed judicial branch technology infrastructure and operations in support of an e-court environment, providing a basis and starting point for this project. On April 6, 2015, the Supreme Court formed the eCourt Steering Committee to guide and direct the eCourt project.

The eCourt system will be supported by a number of interconnected technology strategies, with e-filing and centralized case management and document management systems providing the foundation. These management systems will be known as Kansas eCourt, and they will complete the conversion from local, paper-based systems to a statewide electronic one. Kansas eCourt will provide litigants, attorneys, judges, and court personnel using an internet connection immediate access to authorized case information, details, and records from across the state. Among other things, it will allow the judicial branch to use its personnel more effectively by having clerks available in one county help with electronic processing of case documents and court payments in other counties.

IV. Other Technology

1. The Supreme Court should encourage district courts and counties to use video equipment and strongly encourage them to use audio equipment in order to preserve a record in the event a court reporter is not available in the courtroom. (BRC Report, 80.)

Appellate courts should examine the use of videoconferencing for some appellate arguments.

The Supreme Court should set mandatory standards for audio/visual equipment to be used by counties in their purchasing decisions.

The Office of Judicial Administration should develop for the district courts a list of the types of hearings appropriate for audio/visual use.

The Office of Judicial Administration should explore the possibility of statewide purchasing agreements which would give counties financing options that are not currently available.

2. As recording technology advances, the Supreme Court should review the number and use of court reporters in Kansas. (BRC Report, 83.)
3. The Supreme Court should monitor developments in the use of electronic versions of appellate decisions for official reports as an alternative to the current published

bound volumes of the Kansas Supreme Court Reports and the Kansas Court of Appeals Reports. (BRC Report, 88.)

Status:

Appellate Court Videoconferencing. The Kansas Court of Appeals Videoconferencing Committee developed a pilot project to use videoconferencing in lieu of personal appearances for some appellate court cases under specific circumstances. The committee has reviewed available technology, its use by Kansas government agencies, and related procedural issues. Office of Judicial Administration staff worked with the Court of Appeals to test basic software infrastructure for videoconferencing, and the chief judge has approved its initial use for hearings that need to be continued to a special setting in Topeka. No hearings by videoconference have been scheduled yet.

District Court Videoconferencing. The Supreme Court accepted the Kansas Judicial Branch Videoconferencing Committee's Recommendations in October 2014. This report is available at <http://www.kscourts.org/>, and has been distributed to district court judges and staff. The committee's report includes standards for using videoconferencing in certain proceedings, recommendations for the type of equipment and technology to be used, and proposed rules and recommendations for legislative and other changes relating to its use. Several recommendations are being implemented and, as a result, videoconferencing will be used in more locations.

Court Reporters. The Court Budget Advisory Council concurred with the Blue Ribbon Commission recommendation that the court review the number and use of official court reporters in Kansas, but it was concerned with ensuring accurate transcripts of court proceedings. The 2014 Legislature discussed eliminating court reporter positions, but no further action was taken.

Electronic Publication of Official Reports. The official reporter continues to watch for examples of states developing and implementing electronic publications of official court decisions. Late in 2015, Nebraska announced it will not print its reports after July 2016. Instead, it will publish its reports electronically, as do Arkansas and Illinois. Changes to Kansas statute are required before the official reporter would be able to switch to electronically publishing its official reports.

V. Docket Fees

1. The Supreme Court should promote legislation to require all docket fees without exception to go to the Judicial Branch. (BRC Report, 90.)
2. The Supreme Court should promote legislation or adopt Court Rules to increase all current docket fees. (BRC Report, 97.)
3. The Supreme Court should promote legislation or adopt Court Rules to assess higher docket fees in civil cases which by their nature impose more costs on the court system by consuming an extraordinary amount of court resources. (BRC Report, 102.)
4. The Supreme Court should promote legislation or adopt Court Rules which require the payment of a docket fee upon filing a civil action (Chapters 59, 60, and 61

only), unless excused due to the filing of a poverty affidavit or an action for protection from abuse or protection from stalking. (BRC Report, 102.)

5. The Supreme Court should use federal poverty guidelines as a model for poverty affidavits used to defer docket fees at the commencement of a case. (BRC Report, 105.)

Any deferral of docket fees should be for an initial term of not more than 60 days after commencement of a case.

If the district court defers payment further, the court should make a final determination on the imposition of docket fees at the end of the case when more information is available regarding the financial resources of the parties.

6. The Supreme Court should promote legislation or adopt Court Rules to assess additional docket fees for the filing of motions that by their nature require an extraordinary amount of court resources. (BRC Report, 109.)

Status:

Proviso language included in the 2013 appropriations bill directed 99.01 percent of all docket fee revenue to be deposited into the new Judicial Branch Docket Fee Fund. Both existing and future judicial branch surcharge revenue is deposited into the fund. At the same time all docket fee revenue was directed to the judicial branch, the Legislature reduced the judicial branch state general fund appropriation. This continued in the 2014 and 2015 legislative sessions, making the judicial branch more dependent on docket fees, which are an unpredictable revenue source with total collections trending downward.

While these legislative actions partially address a Blue Ribbon Commission funding recommendation, they do not adhere to the commission's underlying goal of full funding for the judicial branch primarily through state general funds. Instead, the Legislature is increasing the variable part of judicial branch funding, while reducing its fixed portion.

The court has considered proposals to increase all docket fees and to assess higher docket fees in civil cases that require more court resources and staff time. The court took no specific action to initiate these proposals but, in 2014 and 2015, the Legislature increased certain docket fees, and established new summary judgment and similar dispositive motions filing fees, as well as a fee on certain garnishments. Similar fee actions by the Legislature are expected to continue.

VI. District Court Functions and Procedures

1. The Supreme Court should encourage district courts to identify and vigorously pursue outstanding collectible court costs, fees, and fines. (BRC Report, 110.)

Collection methods (including debt setoff and the like) should be developed and standardized.

Court personnel should be educated on collection processes.

The Supreme Court's Office of Judicial Administration should seek grant funding and the assistance of the National Center for State Courts to assist with implementation.

2. The issue of court cash surety bonds was presented at a public hearing. While the Commission makes no recommendation at this time, the issue is not without merit and deserves further study and consideration. (BRC Report, 116.)
3. The Supreme Court should seek state funds for translators. (BRC Report, 117.)

The Court should consider regionalizing translator services.

The Office of Judicial Administration should expand its current efforts to develop resources to provide qualified translators and interpreters, including the use of Skype, Google Voice, or other newly developed services.

4. The Supreme Court should review and seek to modify the case types entitled to priority in the district court and the time standards for expedited disposition of such cases. (BRC Report, 126.)
5. The Supreme Court should promote statewide development of district court best practices. (BRC Report, 127.)

In doing so, the Court should consider using the National Center for State Courts' CourTools.

6. The Supreme Court should implement uniformity in court processes and procedures in all judicial districts. (BRC Report, 134.)

The Court should examine local rules that (1) make it difficult for practitioners to function in courts in different districts and (2) may impede the uniform adoption of statewide e-filing.

7. The Supreme Court and its Office of Judicial Administration should continue examining the efficacy of specialty courts, including veterans' courts. (BRC Report, 136.)

Status:

Statewide uniformity. Blue Ribbon Commission recommendations call for uniformity in court processes and procedures in all judicial districts. The statewide implementation of the electronic filing system will also require examining nearly all court processes and procedures. It is anticipated that a higher degree of statewide uniformity will eventually be needed to successfully implement the e-filing project.

Provisions in 2014 Senate Substitute for House Bill 2338, enacted into law July 1, 2014, could impact these Blue Ribbon Commission recommendations. The bill contained provisions involving both policy and judicial branch appropriations for fiscal

year 2015. In addition, a nonseverability clause in the 2014 legislation directed that if any provision of the bill is found unconstitutional, judicial branch funding for fiscal year 2015 would be invalidated.

During the 2015 legislative session, a nonseverability clause was again included in legislation concerning the judicial branch. Provisions in 2015 House Bill 2005, enacted into law June 5, 2015, also contained policy provisions and judicial branch appropriations for fiscal years 2016 and 2017.

In February 2015, a lawsuit was filed in district court challenging the constitutionality of the provision in Senate Substitute for House Bill 2338 (2014) that changed the way district court chief judges are selected. The district court's decision was appealed to the Supreme Court, which issued a December 2015 opinion affirming the lower court's ruling that the change to chief judge selection is unconstitutional.

In October 2015, a lawsuit was filed in district court challenging the constitutionality of the nonseverability clause in 2015 House Bill 2005. In January 2016, nearly identical House and Senate bills were introduced to remove that clause from statute to provide certainty that courts will be funded in fiscal years 2016 and 2017. By the end of January, the House and Senate had both passed House Bill 2449 to remove the nonseverability clause and the bill was sent to the governor for his signature.

Legislators have indicated that additional legislation will be introduced during the 2016 session to address the 2014 bill that also included fee increases and docket fee redistribution.

Debt Collection. The first step toward improving debt collection was obtaining a State Justice Institute grant, which the Office of Judicial Administration used to work with National Center for State Courts debt collection consultants. The consultants reviewed district court processes and collection methods and made recommendations for improvement. In 2012, the court appointed the Judicial Branch Debt Collection Committee to review these recommendations. In late 2014, the committee presented its report to the Supreme Court, which approved its distribution to chief judges, court administrators, and clerks of the district court. The committee's recommendations will help ensure that court orders are taken seriously and that they will be enforced, which will increase receipts into the public treasury. To help accomplish these goals, the committee recommended a number of statutory changes, including two that were introduced in the 2015 legislative session, but only one of which passed:

- 2014 Supp. K.S.A. 75-719 (now transferred to K.S.A. 20-169) was amended to provide that debts owed to the court under this statute include debts arising from failure to comply with a traffic citation, and clarify that these unpaid traffic tickets may be sent to collections.

Although not a Blue Ribbon Commission recommendation, the 2015 Legislature transferred from the attorney general's office to the judicial administrator responsibility for negotiating, executing, and overseeing contracts for collecting restitution and debts owed to courts. The Office of Judicial Administration's legal team and its budget and fiscal group are preparing for the next request for proposal and contract cycle, while also creating and implementing reporting and debt collection standards.

Language Access. In 2013, the Office of Judicial Administration conducted a language access survey, which provided data about the current status of language access needs across the state and the availability of services. National Center for State Courts staff analyzed and evaluated the survey results and presented them to the full Access to Justice Committee in July 2013. The survey benefited the Access to Justice Interpreters Subcommittee in its subsequent analysis of challenges faced by Kansas courts providing language access. In November 2013, the subcommittee presented its recommendations to the Kansas Supreme Court and the court concluded a stand-alone committee should be created to develop a Kansas judicial branch language access program under the court's oversight.

In May 2014, the Supreme Court established the Language Access Committee. The Language Access Committee is drafting a Kansas Code of Professional Responsibility for Interpreters in the Judiciary, and a draft acknowledgement for interpreters to sign stating they received and will abide by the code. The committee met periodically in 2015 and developed draft proposed new and amended Supreme Court rules relating to language access in Kansas courts:

1. Proposed Rule 1703 would create a mandatory code of ethics for foreign language court interpreters.
2. Proposed Rule 1704 would require foreign language court interpreters, before they provide court interpretation or translation services, to complete and sign a form that verifies the interpreter has received, reviewed, and agreed to adhere to the code. A judge could make an exception for signing the form in cases of emergency. A completed and signed form alone would not substitute for a judicial determination of interpreter qualifications or taking an interpreter's oath as required by statute.
3. Proposed Rule 1702 would require each judicial district to have a local language access coordinator who must:
 - maintain a list of the judicial district's court interpreters;
 - retain original signed interpreter's acknowledgment and agreement forms, copies of which are forwarded to the Office of Judicial Administration;
 - maintain familiarity with the Kansas Code of Professional Responsibility for Court Interpreters, Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d *et seq.*), and Kansas statutes and Supreme Court rules relating to interpreters and language access; and
 - receive and respond to complaints regarding alleged code violations.

The draft proposed amended rules would make editorial changes to two rules (proposed Rules 107 and 1701), and would require chief judges to appoint a local language access coordinator for their judicial districts (proposed Rule 107).

The committee also developed three draft forms for possible future district court use: Interpreter's Acknowledgment and Agreement (for interpreters to acknowledge they

received and reviewed the code and agree to adhere to it); Court Interpreter Complaint Form (a form for individuals to submit to the local LAC when lodging an interpreter ethical complaint); and Notice Regarding Court Interpreters (a notice to the public in both English and Spanish of who to contact with interpreter requests or concerns).

In November 2015, the committee recommended the Supreme Court provide a 60-day public comment period for the draft proposed new and amended rules. The rules were posted on the court's website and the comment period was announced by news release and by direct message to district court judges, chief clerks and court administrators. The committee will analyze comments and make final recommendations to the court on adopting the proposed new and amended rules.

In December 2015, four committee members visited Johnson County Community College to discuss possible future collaboration with the college's interpreter program.

The Kansas Judicial Branch has also connected with and gathered information from other states about expanding and improving its language access efforts. Following are some of the ways in which this work has been accomplished:

- A Kansas judicial branch team that includes judges and staff attended the 2012 National Summit on Language Access in the Courts held in Houston, Texas. The summit was sponsored by the Conference of Chief Justices and the Conference of State Court Administrators. The summit focused on exchanging information and implementation strategies between states and identifying priorities and developing state action plans.
- Office of Judicial Administration staff attended subsequent annual Conference of State Court Administrators language access meetings in 2013, 2014, and 2015.
- A team of judges and Office of Judicial Administration staff traveled to Nebraska to learn about its language access program and its use of video remote interpreting technology.
- The judicial administrator continues as a member of the Conference of Chief Justices and the Conference of State Court Administrators Language Access Advisory Committee, which oversees the National Center for State Court's new language access division.

Specialty Courts. Specialty courts, or problem-solving courts, exist in several Kansas judicial districts, most often as either drug courts or teen and truancy courts. As recommended by the Blue Ribbon Commission, the Supreme Court and the Office of Judicial Administration continue to examine the efficacy of specialty courts, including veterans courts.

In 2013, the Supreme Court established the Specialty Courts Commission to study the status of specialty courts in Kansas and to suggest procedures for judicial districts to consider when establishing a specialty court.

In its December 2013 report to the court, the commission recommended, among other things, that mandatory statewide specialty court standards be adopted and that a more

broadly representative group prepare the standards. It also recommended that the court require, by rule, that specialty courts be certified periodically by the Office of Judicial Administration, that education about issues addressed by specialty courts be offered, and that judicial districts refer to the National Center for State Courts Problem Solving Justice Toolkit.

In 2014, the Supreme Court established a Specialty Courts Standards Committee (2014 SC 60), with duties to:

- recommend mandatory statewide standards for specialty courts to be adopted by the Kansas Supreme Court;
- identify likely costs and benefits associated with adopting the standards;
- identify how the standards would likely impact specialty court development in urban and rural counties; and
- make any other related recommendations.

The Specialty Court Standards Committee reviewed the rules and standards of other states and prepared a draft set of rules and standards for Kansas. The committee sent its report to the Supreme Court in December 2014. The committee recommended establishing a process under which specialty courts would be certified every three years for compliance with the new standards. The proposed standards provide that courts should:

- have measurable objectives;
- adhere to evidence-based practices;
- have written eligibility criteria; and
- have written procedures for incentives, rewards, and sanctions that would be used in response to participant behavior.

The Supreme Court will post the proposed aspirational standards for public comment.

Johnson County District Court Judge Timothy McCarthy has created Kansas' first veterans court for military veterans who have committed misdemeanors or lower level felonies and are eligible for treatment by the Veterans Administration. One of the goals of veterans courts is to work with veterans who have diagnosed conditions contributing to dysfunctional behavior that lead to criminal charges. The Johnson County District Court began taking applications for participation in its veterans court in November 2015. Judge McCarthy scheduled the first court docket for January 13, 2016, and will preside over the veterans treatment court docket every other Wednesday.

VII. Appellate and District Court Functions and Procedures

1. The Supreme Court should examine the timeliness of decisions of the district and appellate courts. (BRC Report, 141.)

The Court should set standards and reevaluate and implement appropriate enforcement mechanisms to assure that decisions and opinions are issued timely.

Status:

The Office of Judicial Administration has examined timeliness of district court decisions in some manner since time standards were first implemented in 1980. In

2011, the Office of Judicial Administration revised its method of emphasizing resolution of civil and criminal cases pending in the district courts longer than desired. Now, each year, lists of pending cases are compiled and forwarded to the 31 chief judges for examination and explanation.

The appellate courts' concerted efforts in this area are ongoing. The appellate courts continue to improve their case prioritization and expedition of certain cases, such as those involving children in termination of parental rights and adoption cases.

The Supreme Court views its completion and timely release of judicial decisions to the people of Kansas as one of its most critical functions. Improvements achieved in 2013 and 2014 continued in 2015.

In December 2015, the Supreme Court designated a new committee to help review and revise time standards for decisions in district and appellate court cases. Justice Carol A. Beier will chair the committee chair that includes:

- Judge Kathryn Gardner of the Kansas Court of Appeals
- District Judges Glenn Braun (Ellis County), Teresa Watson (Shawnee County), and Tim Dupree (Wyandotte County)
- District Magistrate Judge Doug Jones (Chase County)
- Lyndon Vix from Fleeson, Gooing, Coulson & Kitch in Wichita
- Bethany Roberts from Barber Emerson in Lawrence
- Lesley Isherwood from the Sedgwick County District Attorney's Office
- Randall Hodgkinson from Washburn University School of Law
- Jeff Chanay from the Kansas Attorney General's Office

The committee's first meeting was January 22, 2016. It will look at time standards currently in place in Kansas and examine similar standards used in other state court systems. Its goal is to have a comprehensive set of recommendations for the Supreme Court by fall 2016.

VIII. Appellate Court Functions and Procedures

1. Both the Supreme Court and the Court of Appeals should consider the use of mediation at the appellate level. (BRC Report, 141.)

The Supreme Court should examine the types of cases entitled to priority appellate review and the time standards for those reviews. (BRC Report, 143.)

Status:

The Court of Appeals Appellate Mediation Committee, in collaboration with the director of dispute resolution, has developed a pilot project for mediating cases already on appeal. Parties to existing appellate cases were offered process orientation and given the opportunity to accept no-cost mediation. So far, 32 cases have been assigned for possible mediation. Seven of those cases agreed to try mediation. In three cases, mediation was successful. In two, the parties reported that mediation failed. Two other cases were returned to normal case processing after mediation, but were later voluntarily dismissed without the parties mentioning the mediation efforts. The

remaining cases opted out of mediation and either went to a panel for hearing or were voluntarily dismissed later in the appeals process.

All participants were asked to evaluate their experiences with the pilot program. If results warrant it, the committee will discuss whether mediation should be voluntary or mandatory, and how it should be funded, and make its recommendations to the Supreme Court.

IX. Office of Judicial Administration

1. The Office of Judicial Administration should conduct more of its training electronically, through conference calls, GoToMeeting-like processes, and webinars. (BRC Report, 145.)
2. The Supreme Court should examine the efficiencies of its Office of Judicial Administration's operations, including its Information Technology Department. (BRC Report, 147.)

The Court should seek grant funding and the assistance of the National Center for State Courts to accomplish this.

Status:

Office of Judicial Administration staff strive to make the best use of limited resources in many and varied ways, such as process improvements, realignment of job responsibilities and structure, employing strategic planning, prioritizing projects, use of zero-based budgeting, recording work process and responsibilities to improve training, and improving communications and project coordination.

The Office of Judicial Administration also continues to examine the purpose, format, and likely participation level of its training opportunities and evaluates whether they would be better offered in person or electronically.

Several times each month, OJA offers e-filing training to judges and court staff online through TeamViewer and by conference call. These trainings are in addition to the online e-filing training opportunities for attorneys through on-demand videos and regularly scheduled webinars hosted by the e-filing application vendor.

In April 2015, the Office of Judicial Administration was awarded a \$50,000 grant from the State Justice Institute to work with consultants from the National Center for State Courts to conduct the first three phases of a website redevelopment project. These steps include website content inventory and analysis, audience research, and sitemap development to show how information will be organized on a new website.

Using grant funds and expert guidance from NCSC to complete the required preliminary steps is more cost-effective than asking a website developer to do them at contract rates. When the grant project concludes, OJA will have in-hand website specifications it can use to request proposals from website developers to build the new site.

X. Lawyers

1. The Supreme Court's Office of Judicial Administration should examine expansion of current programs that permit lawyers to provide limited advice and assistance to pro se litigants. (BRC Report, 149.)
2. The Supreme Court should consider suggesting a number of hours that attorneys are encouraged to voluntarily devote to pro se litigants, the indigent, and general pro bono work. (BRC Report, 151.)

Status:

In 2013, the court amended Supreme Court Rule 208 to provide for retired and inactive attorneys to perform pro bono work through an approved sponsoring organization or law school clinic. The Access to Justice Committee approved Kansas Legal Services as the sponsoring organization. Kansas Legal Services works with the Kansas Bar Association and the Kansas Association for Justice to publicize this provision to eligible attorneys and to find ways to incorporate the work into existing and new volunteer opportunities. A retired Johnson County attorney has been approved to work with Kansas Legal Services at the Johnson County Help Center and on veterans cases.

The Supreme Court decided not to suggest any specific number of hours for voluntary pro bono work. However, Kansas Legal Services reports that in 2015 Kansas attorneys volunteered more than 1,000 hours and law students more than 1,700 hours helping Kansas Legal Services clients. The Kansas Bar Association, in an effort to get attorneys to self-report volunteer hours, added a field on individual member profiles for reporting pro bono hours worked in 2015. Regular reminders to report those hours has been included in the last several KBA Weekly communications.

XI. Legislation and Court Rules

The Supreme Court should promote legislation or adopt court rules to implement the foregoing recommendations. (BRC Report, 154.)

Status:

Legislation was requested or has been enacted, and Supreme Court rules have been developed or amended, to implement several Blue Ribbon Commission recommendations. The need for additional legislative action or rule changes will continue as work progresses on various Blue Ribbon Commission recommendations.