



# Blue Ribbon Commission

## June 2015 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 June 2015. 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 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 2011 Kansas District Court Judicial and Clerk Staff Weighted Caseload Study. Judicial district staffing needs, as determined by the study, are kept current by applying updated case filing statistics as they become available. These updates have allowed 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, a statewide position inventory is underway at the direction of the Supreme Court. The inventory calls for 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.* The first statewide electronic filing system continues to be implemented in several district court locations and in the appellate courts. This system allows cases and related legal documents to be electronically filed with the courts. E-filing locations currently include both appellate courts in Topeka for certain litigants and district courts in 43 counties, including Johnson County, with its JIMS E-filing system. More than 235,000 electronic pleadings were filed in fiscal year 2015.

The number of attorneys who have registered to file electronically has grown to more than 2,500. In early 2015, Douglas County District Court became the first district to mandate electronic filing.

Filing multiple cases by the same party at one time without requiring duplicate data entry (batch filing) is now available in Shawnee County and law firm batch filing continues to be implemented in the court.

In the appellate courts, electronic filing will become mandatory effective November 2, 2015. Appellate e-filing accounts are currently being created for all official court reporters, with no action required by the reporters. Once an account is established, the official court reporter is notified by email and provided an informational packet on the appellate e-filing system.

The court has continued to phase in electronic filing, even though the 2013 Legislature cut the judicial branch's proposed fiscal year 2014 budget and did not enact legislation to increase filing fees on all cases to fund technology projects. In 2014, the Office of Judicial Administration received a Justice Assistance Grant to fund e-filing implementation in several more counties.

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 are not generating revenue at the rate the Legislature envisioned. So, even though revenue is deposited in the technology fund, the rest of the judicial branch's operating budget has been negatively impacted.

*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, rather than personal appearances, for some appellate court cases under specific circumstances. The committee has reviewed available technology, its use by Kansas state agencies, and the resulting procedural issues. Office of Judicial Administration staff tested with the Court of Appeals the basic software infrastructure to accommodate videoconferencing, and the chief judge has approved its initial use for hearings that need to be continued to a special setting in Topeka.

*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 examine states that are developing and implementing electronic publications of official court decisions. In Kansas, the switch to electronic publication of official reports will require legislative changes.

## **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' CourtTools.

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.

Some policy aspects of 2014 Senate Substitute for House Bill 2338 were opposed by the Kansas District Judges Association, the Kansas District Magistrate Judges Association, chief judges of all 31 judicial districts, the Kansas Association of District Court Clerks and Administrators, the Kansas Association of Court Services Officers, the Kansas Bar Association, and several other interested groups. Testimony opposing the measure cited Article 3, Section 1 of the *Constitution of the State of Kansas*, which provides that the Supreme Court “shall have general administrative authority over all courts in this state.” Two provisions of that legislation were viewed by many as contrary to district court uniformity and to the Supreme Court’s general administrative authority. They are:

- Section 11, which allows district court judges of each judicial district to elect a chief judge through a procedure to be determined by them. This provision abrogates a nearly 40-year history, codified in statute, through which the Supreme Court designated a chief judge after consulting judges in the district.
- New Section 2 and ensuing sections, through which the chief judge of each judicial district may annually elect to be responsible for the district budget. While the Supreme Court would determine the budget, spending within the amount determined for the judicial district would be the chief judge’s prerogative, and nonjudicial salaries would no longer be subject to a uniform pay plan.

A nonseverability clause in the 2014 legislation states that if any provision of the bill is found unconstitutional, judicial branch funding for fiscal year 2015 is invalidated.

During the 2015 legislative session, a nonseverability clause was again included in legislation concerning the judicial branch. House Bill 2005 contained policy provisions and judicial branch appropriations for fiscal years 2016 and 2017. This nonseverability clause states:

- "If any provision of this act or of 2014 Senate Substitute for House Bill No. 2338, chapter 82 of the 2014 Session Laws of Kansas, is stayed or is held to be invalid or unconstitutional, it shall be presumed conclusively that the legislature would not have enacted the remainder of this act without such stayed, invalid or unconstitutional provision and the provisions of this act are hereby declared to be null and void and shall have no force and effect."; and

- "If the appropriations to the judicial branch for fiscal year 2016 or fiscal year 2017 are reduced below the amounts appropriated in this act by any other act of the 2015 or 2016 regular session of the legislature, the provisions of this section are hereby declared to be null and void and shall have no force and effect and the provisions of this act and of 2014 Senate Substitute for House Bill No. 2338, chapter 82 of the 2014 Session Laws of Kansas, are declared to be severable."

2015 House Bill 2005 was enacted into law June 5, 2015.

A lawsuit challenging the constitutionality of 2014 Senate Substitute for House Bill 2338 was filed in early 2015.

*Debt Collection.* Several recommendations continue to be addressed by the Judicial Branch Debt Collection Committee appointed by the court in 2012. 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 helped review district court processes and collection methods and made recommendations. In late 2014, the Debt Collection Committee presented its report to the Supreme Court, which approved its distribution to chief judges, court administrators, and clerks of the district court. Acting on the committee recommendations will 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:

- An amendment to 2013 Supp. K.S.A. 75-719 provides 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 specifically a Blue Ribbon Commission recommendation, during the 2015 legislative session responsibility for negotiating, executing, and overseeing contracts for collecting restitution and debts owed to courts was transferred by the Legislature from the attorney general's office to the judicial administrator. The Office of Judicial Administration budget and fiscal group and legal team are planning for the next contract cycle and for creating and implementing debt collection standards and benchmarks for effective oversight of debt collection contracts.

*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 adopted Rule 1701 and 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 is also developing recommendations regarding: (1) chief judge appointment of local language access coordinators in each judicial district, (2) an interpreter ethics complaint process, (3) enforcement of state interpreter ethics rules, and (4) related matters. These recommendations will be presented to the court in a report and in draft Supreme Court rules.

The Kansas Judicial Branch has 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 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 report to the court, the commission recommended, among other things, that mandatory statewide specialty court standards be adopted and that a more broadly representative commission prepare the standards. It also recommended that the court require, by rule, that specialty courts be periodically certified 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 of 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 the likely costs and benefits associated with the adoption of the standards;
- Identify how the standards would likely impact specialty court development in urban and rural counties; and
- Make any other recommendations necessary for adopting and implementing standards for specialty courts in Kansas.

The committee's first meeting is expected to take place this fall to review the rules and standards of other states with the focus on two states that have been selected to use as a model. Recommendations will be presented to the Supreme Court by December.

Since late 2014, Johnson County District Court Judge Timothy McCarthy has worked to create the first veterans court in Kansas 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 with diagnosed conditions at the root of their dysfunctional behavior. Judge McCarthy continues to plan and train, and he hopes to have the court operating in late 2015. The Supreme Court appreciates these efforts to help those who have served our country.

## **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 implemented in July 1982. 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. Using this method, most pending cases have been timely resolved. The appellate courts' concerted efforts in this area are ongoing. The Supreme Court views its completion and timely release of judicial decisions to the people of Kansas as one of its most critical functions. Tremendous improvements achieved in 2013 and 2014 are continuing in 2015. Both the Supreme Court and the

Court of Appeals continue to work diligently to improve their case prioritization and to expedite certain types of cases, such as those involving children in termination of parental rights and adoption cases.

## 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 dispute resolution director, 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, 30 cases have been assigned to mediation. Two of these settled after being assigned but before a mediator was selected and mediation took place. Seven are proceeding. Of these:

- two settled as a result of mediated agreements;
- two were mediated to near-settlement, returned to normal case processing, then settled;
- two failed and were returned to normal appellate case processing; and
- one has just selected a mediator and will begin mediation shortly.

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

Twenty-seven other states and all federal circuits have appellate mediation.

## 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. In recent months, the Office of Judicial Administration has offered two statewide trainings in child support enforcement time recording using the TeamViewer program. The Office of Judicial Administration also offered a statewide human trafficking webinar in partnership with the Kansas Attorney General's Office and Washburn University School of Law.

## **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 continues to work 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 of these attorneys into new and existing volunteer opportunities.

## **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.