

Judicial Branch Agencies

Judiciary

The seven-member Supreme Court, Kansas' highest court, is charged with the supervision of the state's unified court system. The 13-member Court of Appeals is an intermediate appellate court and has jurisdiction over all appeals for the district courts, except appeals from a district magistrate judge and direct appeals to the Supreme Court. The state has 31 judicial districts, 167 district court judges and 79 magistrates. One district judge can serve several counties in sparsely populated areas. In more densely populated counties a district can have multiple judges. In Wichita's 18th Judicial District, there are 28 district court judges.

With the enactment of KSA 75-3718, the Governor is required to submit the Judiciary's budget to the Legislature without recommendation. The 2009 Legislature gave the Judiciary the authority to invoke a surcharge on docket fees. It is estimated that \$11.1 million from the surcharge will be used to offset State General Fund dollars in FY 2013. The surcharge has not been extended beyond FY 2013, however, so the Judicial Branch budgeted \$11.1 million in State General Fund to replace it in FY 2014.

The Judiciary is requesting \$131,799,439, including \$106,179,769 from the State General Fund, in FY 2013 and \$134,963,724, including \$123,443,129 from the State General Fund in FY 2014. As part of the Governor's recommendation for a biennial budget for state agencies, it is estimated that the Judicial Branch will spend \$135,269,724 in FY 2015, with

\$123,713,222 from the State General Fund. This estimate assumes that the surcharge is not extended in either FY 2014 or FY 2015. At this level of funding, 80.0 FTE positions that have been held vacant will be filled.

As required by law, the budget includes \$420,000 for the 14th Court of Appeals Judge and two support staff to begin in January of 2014. Also included is continued support for the Electronic Case Filing Project which is expected to result in increased efficiencies by allowing lawsuits and related legal documents to be filed with the courts electronically. After the initial start-up costs, such filing systems in other states and at the federal level have demonstrated savings.

Judicial Council

The Judicial Council was created in 1927 to review the volume and condition of business in the courts, the method of court procedure, the time between the initiation of litigation and its conclusion, and the condition of dockets compared to finished business at the close of the term. The Council also recommends legislation based on its findings and prepares and publishes numerous documents for use by the legal community.

The 2006 Legislature created the independent Kansas Commission on Judicial Performance, which was charged with conducting performance evaluations of Kansas judges and distributing its findings. The

Judiciary Operating Budget

	FY 2011 Actual	FY 2012 Actual	FY 2013 Gov. Rec.	FY 2014 Gov. Rec.	FY 2015 Gov. Est.
State General Fund	\$ 100,914,426	\$ 102,476,154	\$ 106,179,769	\$ 123,338,002	\$ 123,713,222
Emergency Surcharge	8,585,675	10,968,073	11,076,070	--	--
Nonjudicial Salary Funds	7,790,431	6,908,250	6,953,333	6,371,962	6,405,435
Child Support Enforcement	1,753,908	1,582,202	2,140,950	1,030,526	1,035,771
Federal Funds	840,360	622,203	910,059	494,591	496,015
Access to Justice	966,515	908,647	850,070	806,253	806,253
Permanent Family	422,518	400,985	417,883	399,874	400,185
Judicial Branch Education	373,532	477,653	622,613	493,624	493,632
Other Funds	1,441,094	2,166,219	2,648,692	1,916,683	1,919,211
Total	\$ 123,088,459	\$ 126,510,386	\$ 131,799,439	\$ 134,851,515	\$ 135,269,724

Commission is scheduled to expire on June 30, 2013 and the budget assumes this expiration will occur.

For FY 2013 and FY 2014, the Governor concurs with the Judicial Council's requested budget. The request

is for \$566,986 for FY 2013 and \$592,172 for FY 2014. It is estimated that the agency will need authorization to spend \$595,181 in FY 2015. The Council and its independent commissions are entirely funded from special revenue fee funds.

Judiciary

Mission. The mission of the Kansas courts is to administer justice in the most equitable fashion possible, while maintaining a high level of effectiveness. The Judiciary maintains that justice is effective when it is fairly administered without delay by competent judges who operate in a modern court system under simple and efficient rules of procedure.

Operations. A separate branch of government, the Judiciary hears and disposes of all civil suits and criminal cases, except those under the jurisdiction of municipal courts. According to current statutory law, a defendant convicted by a municipal court may appeal to a district court for a new trial.

The Office of Judicial Administration was established in 1965 to assist the Supreme Court in administering responsibilities of the judicial system. In 1972, a new judicial article of the *Kansas Constitution* was adopted. It brought many improvements leading to unification of the trial courts and establishment of a Court of Appeals. A citizens' study committee in 1973 examined the judicial system and recommended changes to implement the judicial article. The unification of trial courts in January 1977 abolished probate, juvenile, county courts, and magistrate-level courts of countywide jurisdiction. The jurisdiction of these courts was consolidated into the District Court,

and a Court of Appeals was established to improve the handling of appellate caseloads.

The 1978 Legislature began phasing in state funding for the cost of nonjudicial personnel in the district courts. The program was completed in 1981. Professional administrators assist judges in managing the system at both the state and district levels.

Goals and Objectives. One goal of the Judiciary is to eliminate unnecessary delay in the disposition of cases. An objective of this goal is to:

Dispose of felony cases in a timely manner.

Statutory History. The "one court of justice" directed by Section 1, Article 3, of the *Kansas Constitution* is the Supreme Court, a Court of Appeals, and the 31 judicial districts. Legislation passed during the 2008 Legislative Session allowed the Judiciary to increase docket fees and use the increased revenue to begin a pay plan that raises the salaries of all nonjudicial personnel to market level. KSA 2010 Supp. 75-3721(f) sets forth that the Judiciary will submit its budget directly to the Legislature without changes by the Director of the Budget and that it must be included in *The Governor's Budget Report* as submitted.

Judiciary

	FY 2012 Actual	FY 2013 Gov. Estimate	FY 2014 Base Budget	FY 2014 Gov. Rec.	FY 2015 Gov. Rec.
Expenditures by Program					
Appellate Courts	18,637,140	20,049,378	19,385,184	19,371,137	19,196,125
District Courts	107,578,785	111,410,143	115,237,147	115,139,116	115,731,395
Judicial & Professional Review	294,461	339,918	341,393	341,262	342,204
Total Expenditures	\$126,510,386	\$131,799,439	\$134,963,724	\$134,851,515	\$135,269,724
Expenditures by Object					
Salaries and Wages	120,302,902	125,084,749	129,367,658	129,255,449	129,935,392
Contractual Services	3,948,361	4,870,195	3,581,948	3,581,948	3,581,948
Commodities	395,066	392,850	390,337	390,337	390,337
Capital Outlay	611,335	243,555	216,364	216,364	216,364
Debt Service	--	--	--	--	--
Subtotal: State Operations	\$125,257,664	\$130,591,349	\$133,556,307	\$133,444,098	\$134,124,041
Aid to Local Governments	173,000	172,010	169,715	169,715	169,715
Other Assistance	1,079,722	1,036,080	975,968	975,968	975,968
Subtotal: Operating Expenditures	\$126,510,386	\$131,799,439	\$134,701,990	\$134,589,781	\$135,269,724
Capital Improvements	--	--	261,734	261,734	--
Total Reportable Expenditures	\$126,510,386	\$131,799,439	\$134,963,724	\$134,851,515	\$135,269,724
Non-expense Items	--	--	--	--	--
Total Expenditures by Object	\$126,510,386	\$131,799,439	\$134,963,724	\$134,851,515	\$135,269,724
Expenditures by Fund					
State General Fund	102,476,154	106,179,769	123,443,129	123,338,002	123,713,222
Water Plan Fund	--	--	--	--	--
EDIF	--	--	--	--	--
Children's Initiatives Fund	--	--	--	--	--
Building Funds	--	--	--	--	--
Other Funds	24,034,232	25,619,670	11,520,595	11,513,513	11,556,502
Total Expenditures by Fund	\$126,510,386	\$131,799,439	\$134,963,724	\$134,851,515	\$135,269,724
FTE Positions	1,855.30	1,855.30	1,858.30	1,858.30	1,858.30
Non-FTE Unclassified Permanent	--	--	--	--	--
Total Positions	1,855.30	1,855.30	1,858.30	1,858.30	1,858.30

Appellate Courts

Operations. This program includes the Kansas Supreme Court, the Kansas Court of Appeals, the Office of Judicial Administration, the Clerk of the Appellate Courts, the Appellate Reporter, and the Law Library. The Supreme Court is the highest appellate court in Kansas. The *Kansas Constitution* provides that it has original jurisdiction in *quo warranto*, *mandamus*, and *habeas corpus* cases and such appellate jurisdiction as provided by law. The Supreme Court has seven justices, each appointed by the Governor from among three nominees submitted by the Supreme Court Nominating Commission. After the first year in office, a justice is subject to a retention vote in the next general election. If retained in office, a justice is subject to a retention vote every six years of service. The justice who is senior in continuous service is designated chief justice. All cases are heard with at least four justices sitting.

The Court of Appeals was established in 1977. In FY 2014, the number of judges serving four-year terms will increase from 13 to 14. The Court of Appeals has jurisdiction over appeals in civil and criminal cases and from certain administrative bodies and officers of the state. The Court of Appeals sits in panels of three judges and on rare occasions sits *en banc*.

Judicial administration implements rules and policies as they apply to operation and administration of the courts. These responsibilities include budgeting, accounting, and personnel; assisting district court chief judges; and compiling statistical information on court activity.

The Clerk of the Appellate Courts is a constitutional officer appointed by the Supreme Court for a two-year term. The clerk's office serves as the central receiving and recording agency for Supreme Court and Court of Appeals cases. Every case filed with the court clerk is docketed and forwarded to the courts. The clerk's office also processes motions filed on pending appeals. Once a case is acted on, orders are written and sent to all attorneys involved.

The Appellate Reporter is also a constitutional officer appointed by the Supreme Court for a two-year term. The reporter's office publishes opinions of the court. No opinion is filed until it is approved by the reporter's office. Errors are corrected and questions about citations and language are clarified prior to publication. The Supreme Court Law Library provides services to the Judicial, Legislative, and Executive Branches. More than 200,000 volumes are contained in the agency's library that is used by the legal profession and local governments throughout Kansas.

Statutory History. Article 3, Section 1, of the *Kansas Constitution* gives the Supreme Court its administrative authority. Section 3 establishes its jurisdiction. KSA 20-3001 establishes the Kansas Court of Appeals as part of the constitutional court of justice and establishes the court's jurisdiction, subject to the general administrative authority of the Supreme Court. As a result of action taken by the 2001 Legislature, one judge was to be added until there were 14 judges. That number has not yet been reached.

Judiciary
Appellate Courts

	FY 2012 Actual	FY 2013 Gov. Estimate	FY 2014 Base Budget	FY 2014 Gov. Rec.	FY 2015 Gov. Rec.
Expenditures by Object					
Salaries and Wages	13,412,530	14,519,623	14,851,781	14,837,734	14,924,456
Contractual Services	2,978,021	3,699,982	2,534,506	2,534,506	2,534,506
Commodities	382,532	378,128	375,116	375,116	375,116
Capital Outlay	611,335	243,555	216,364	216,364	216,364
Debt Service	--	--	--	--	--
Subtotal: State Operations	\$17,384,418	\$18,841,288	\$17,977,767	\$17,963,720	\$18,050,442
Aid to Local Governments	173,000	172,010	169,715	169,715	169,715
Other Assistance	1,079,722	1,036,080	975,968	975,968	975,968
Subtotal: Operating Expenditures	\$18,637,140	\$20,049,378	\$19,123,450	\$19,109,403	\$19,196,125
Capital Improvements	--	--	261,734	261,734	--
Total Reportable Expenditures	\$18,637,140	\$20,049,378	\$19,385,184	\$19,371,137	\$19,196,125
Non-expense Items	--	--	--	--	--
Total Expenditures by Object	\$18,637,140	\$20,049,378	\$19,385,184	\$19,371,137	\$19,196,125
Expenditures by Fund					
State General Fund	12,842,985	13,640,888	15,485,416	15,472,455	15,290,760
Water Plan Fund	--	--	--	--	--
EDIF	--	--	--	--	--
Children's Initiatives Fund	--	--	--	--	--
Building Funds	--	--	--	--	--
Other Funds	5,794,155	6,408,490	3,899,768	3,898,682	3,905,365
Total Expenditures by Fund	\$18,637,140	\$20,049,378	\$19,385,184	\$19,371,137	\$19,196,125
FTE Positions	163.00	163.00	166.00	166.00	166.00
Non-FTE Unclassified Permanent	--	--	--	--	--
Total Positions	163.00	163.00	166.00	166.00	166.00

Performance Measures

There are no performance measures for this program.

District Courts

Operations. This program partially finances the operations of the district courts. The state is divided into 31 judicial districts. The district courts are courts of record and have original jurisdiction over all civil and criminal matters, with certain exceptions. The district courts have appellate jurisdiction over municipal courts. There are currently 167 district judges and 79 district magistrate judges.

District magistrate judges are limited in jurisdiction. They can hear any action in connection with the Kansas Code for Care of Children or the Kansas Juvenile Offenders Code. In some instances, a magistrate may act for a district judge. In 17 of the judicial districts, judges are nonpartisan. They stand for retention in the general election every four years. In the remaining 14 districts, judges are elected in partisan elections. They also serve four-year terms.

To carry out the administrative duties of the court, a chief judge in each district, designated by the Supreme Court, appoints a clerk of the district court in each of the counties in the district and appoints deputies and assistants as necessary to perform required duties. In some districts, district court administrators are also appointed to assist the chief judge. The nonjudicial employees of the district courts provide the services that enable judges to perform their judicial duties. Nonjudicial employees file all documents on each case and issue all writs, maintain an accurate list of all money received and disbursed, as well as act as probation counselors and pre-sentence investigators.

Statutory History. KSA 20-301 establishes a district court in each county of the state. Each court maintains complete records and has jurisdiction over all matters, both civil and criminal.

Judiciary
District Courts

	FY 2012 Actual	FY 2013 Gov. Estimate	FY 2014 Base Budget	FY 2014 Gov. Rec.	FY 2015 Gov. Rec.
Expenditures by Object					
Salaries and Wages	106,725,420	110,398,219	114,345,934	114,247,903	114,840,182
Contractual Services	846,391	1,004,927	884,017	884,017	884,017
Commodities	6,974	6,997	7,196	7,196	7,196
Capital Outlay	--	--	--	--	--
Debt Service	--	--	--	--	--
Subtotal: State Operations	\$107,578,785	\$111,410,143	\$115,237,147	\$115,139,116	\$115,731,395
Aid to Local Governments	--	--	--	--	--
Other Assistance	--	--	--	--	--
Subtotal: Operating Expenditures	\$107,578,785	\$111,410,143	\$115,237,147	\$115,139,116	\$115,731,395
Capital Improvements	--	--	--	--	--
Total Reportable Expenditures	\$107,578,785	\$111,410,143	\$115,237,147	\$115,139,116	\$115,731,395
Non-expense Items	--	--	--	--	--
Total Expenditures by Object	\$107,578,785	\$111,410,143	\$115,237,147	\$115,139,116	\$115,731,395
Expenditures by Fund					
State General Fund	89,600,095	92,488,360	107,909,618	107,817,455	108,374,352
Water Plan Fund	--	--	--	--	--
EDIF	--	--	--	--	--
Children's Initiatives Fund	--	--	--	--	--
Building Funds	--	--	--	--	--
Other Funds	17,978,690	18,921,783	7,327,529	7,321,661	7,357,043
Total Expenditures by Fund	\$107,578,785	\$111,410,143	\$115,237,147	\$115,139,116	\$115,731,395
FTE Positions	1,690.30	1,690.30	1,690.30	1,690.30	1,690.30
Non-FTE Unclassified Permanent	--	--	--	--	--
Total Positions	1,690.30	1,690.30	1,690.30	1,690.30	1,690.30

Performance Measures

There are no performance measures for this program.

Judicial & Professional Review

Operations. This program finances several units responsible for judicial and professional review within the judicial system. The Commission on Judicial Qualifications and the Judicial Nominating Commission review judicial conduct and select nominees for vacant offices. The Board of Law Examiners and the Board of Examiners of Court Reporters address professional certification and review for those groups.

The Commission on Judicial Qualifications is an adjunct of the Supreme Court, assisting the Court in its constitutional responsibility for professional review. Article 3, Section 15, of the *Kansas Constitution* provides, “Judges shall be subject to retirement for incapacity, and to discipline, suspension and removal for cause by the Supreme Court after appropriate hearing.” The Court has adopted a standard of conduct for judges to observe. The Commission on Judicial Qualifications is charged with promptly reviewing, investigating, and hearing complaints concerning the conduct of judges. Its findings and recommendations are presented to the Supreme Court for final action. The Commission has 14 members, including lawyers, judges, and non-lawyers.

The judicial nominating commissions consist of the Supreme Court Nominating Commission and 17 district court nominating commissions. The Supreme

Court Nominating Commission, which consists of 9 members and is nonpartisan, nominates and submits to the Governor three candidates eligible for appointment to each vacancy on the Supreme Court or the Court of Appeals. District judicial nominating commissions, which operate in districts using the nonpartisan selection process, submit nominees to the Governor to fill district court vacancies.

The Board of Law Examiners is a ten-member body appointed by the Supreme Court. The Board examines all applicants for admittance to the Kansas Bar and reviews the qualifications of each applicant. If the Board recommends approval, the court issues an order admitting the applicant to practice in all Kansas courts.

Statutory History. KSA 20-119 through 20-138 set forth the requirements and responsibilities of members of the Supreme Court Nominating Commission. KSA 20-2903 through KSA 20-2914 establish the responsibilities and procedures of district judicial nominating commissions. The Commission on Judicial Qualifications and the Board of Law Examiners are both established through the general administrative authority that is vested in the courts in Article 3, Section 1, of the *Kansas Constitution* and KSA 20-101. The Board of Examiners of Court Reporters is established by rule of the Supreme Court according to KSA 20-912.

Judicial & Professional Review

	FY 2012 Actual	FY 2013 Gov. Estimate	FY 2014 Base Budget	FY 2014 Gov. Rec.	FY 2015 Gov. Rec.
Expenditures by Object					
Salaries and Wages	164,952	166,907	169,943	169,812	170,754
Contractual Services	123,949	165,286	163,425	163,425	163,425
Commodities	5,560	7,725	8,025	8,025	8,025
Capital Outlay	--	--	--	--	--
Debt Service	--	--	--	--	--
Subtotal: State Operations	\$294,461	\$339,918	\$341,393	\$341,262	\$342,204
Aid to Local Governments	--	--	--	--	--
Other Assistance	--	--	--	--	--
Subtotal: Operating Expenditures	\$294,461	\$339,918	\$341,393	\$341,262	\$342,204
Capital Improvements	--	--	--	--	--
Total Reportable Expenditures	\$294,461	\$339,918	\$341,393	\$341,262	\$342,204
Non-expense Items	--	--	--	--	--
Total Expenditures by Object	\$294,461	\$339,918	\$341,393	\$341,262	\$342,204
Expenditures by Fund					
State General Fund	33,074	50,521	48,095	48,092	48,110
Water Plan Fund	--	--	--	--	--
EDIF	--	--	--	--	--
Children's Initiatives Fund	--	--	--	--	--
Building Funds	--	--	--	--	--
Other Funds	261,387	289,397	293,298	293,170	294,094
Total Expenditures by Fund	\$294,461	\$339,918	\$341,393	\$341,262	\$342,204
FTE Positions	2.00	2.00	2.00	2.00	2.00
Non-FTE Unclassified Permanent	--	--	--	--	--
Total Positions	2.00	2.00	2.00	2.00	2.00

Performance Measures

There are no performance measures for this program.

Judicial Council

Mission. The Judicial Council works to improve the administration of justice by studying the judicial system and state law, and recommending changes it considers appropriate.

Operations. The Judicial Council is responsible for study and review of the Judiciary. It recommends options for improvement in operations to the Legislature and Supreme Court. Projects are initiated by the Council, assigned by the Legislature, and requested by the Supreme Court. Council work involves drafting legislation writing books and manuals, preparing jury instructions, and making reports.

The Council has ten members, eight appointed by the Chief Justice of the Supreme Court: one member from the Supreme Court, one from the Court of Appeals, two district court judges, and four practicing attorneys. The chairs of both the House and Senate Judiciary Committees are also members.

The Judicial Council uses advisory committees to assist in its work. In FY 2013, committees will meet on Administrative Procedure, Appeals from Termination of Parental Rights, Appellate Procedure, Civil Code, Criminal Law, Death Penalty, Family Law, Guardianship and Conservatorship, Juvenile Offender-Child in Need of Care, Legal Forms, Municipal Court Manual, Pattern Instructions for Kansas-Civil, Pattern Instructions for Kansas-Criminal, Probate Law, and the Commission on Judicial Performance.

At the direction of the 2006 Legislature, the Judicial Council undertook an initiative to provide staffing for the independent Kansas Commission on Judicial Performance. The Commission was charged with developing and conducting performance evaluations of Kansas judges and distributing their findings. Funding for the Commission was from increased docket fees. The 2011 Legislature discontinued the Commission and transferred its portion of the docket fees to the Judicial Branch in FY 2012. The 2012 Legislature replicated that action in FY 2013.

Goals and Objectives. The goal of the agency is to review the Judiciary and various substantive and procedural codes used by the Judiciary to identify problem areas or areas of potential improvement and to recommend appropriate action. An objective to meet this goal is to:

Establish advisory committees to review specific areas and make recommendations to the Supreme Court or to the Legislature.

Statutory History. The Judicial Council was created in 1927. It is established under KSA 20-2201 et seq. Members of the Council are authorized compensation and allowances under KSA 20-2206, as are members of the committees appointed by the Council. KSA 20-3201 et seq. established the Kansas Commission on Judicial Performance. The 2007 Session Laws of Kansas, Chapter 197, authorized the Recodification Commission.

Judicial Council

	FY 2012 Actual	FY 2013 Gov. Estimate	FY 2014 Base Budget	FY 2014 Gov. Rec.	FY 2015 Gov. Rec.
Expenditures by Object					
Salaries and Wages	397,216	465,579	495,838	495,399	498,408
Contractual Services	93,342	96,499	91,732	91,732	91,732
Commodities	2,936	4,908	5,041	5,041	5,041
Capital Outlay	1,356	--	--	--	--
Debt Service	--	--	--	--	--
Subtotal: State Operations	\$494,850	\$566,986	\$592,611	\$592,172	\$595,181
Aid to Local Governments	--	--	--	--	--
Other Assistance	29,262	--	--	--	--
Subtotal: Operating Expenditures	\$524,112	\$566,986	\$592,611	\$592,172	\$595,181
Capital Improvements	--	--	--	--	--
Total Reportable Expenditures	\$524,112	\$566,986	\$592,611	\$592,172	\$595,181
Non-expense Items	3,853	5,474	5,622	5,622	5,622
Total Expenditures by Object	\$527,965	\$572,460	\$598,233	\$597,794	\$600,803
Expenditures by Fund					
State General Fund	--	--	--	--	--
Water Plan Fund	--	--	--	--	--
EDIF	--	--	--	--	--
Children's Initiatives Fund	--	--	--	--	--
Building Funds	--	--	--	--	--
Other Funds	527,965	572,460	598,233	597,794	600,803
Total Expenditures by Fund	\$527,965	\$572,460	\$598,233	\$597,794	\$600,803
FTE Positions	4.00	5.00	5.00	5.00	5.00
Non-FTE Unclassified Permanent	--	--	--	--	--
Total Positions	4.00	5.00	5.00	5.00	5.00

Performance Measures	FY 2012 Actual	FY 2013 Estimate	FY 2014 Estimate	FY 2015 Estimate
Number of Council bills introduced	9	10	10	10
Number of Council bills signed by the Governor	5	10	10	10
Number of publications sold	868	4,278	2,136	3,000
Number of Internet subscriptions	3,596	3,796	3,996	4,100