WICHITA BAR ASSOCIATION
EST. 1915

To: Senator Rick Billinger and Members of the Senate Ways and Means Committee; General Government Budget Subcommittee

From: C. Edward Watson, President, Wichita Bar Association

Re: Support for Judicial Branch FY 2022 budget request

Date: February 22, 2021

The Wichita Bar Association (WBA) appreciates this opportunity to be heard on the proposals currently being considered by the Kansas Legislature regarding the Judicial Branch's FY 2022 budget request. The WBA continues, as it long has, to support the funding of the Judiciary at a level that recognizes its important role in our society. This budget request ensures that fair and impartial courts are available to every Kansan.

Efficient, effective, and independent courts are essential to maintaining our way of life. Quality courts require quality judges at every level. Indeed, Kansas judges are on the front line in resolving the disputes involving our citizens (individuals and businesses), through the administration of justice, on a daily basis. District Court judges hold court every day, performing the essential work of deciding cases that affect the lives of real people. They manage, try, and decide cases of all kinds, ranging from criminal offenses, child custody and other family conflicts, protection from abuse, competency and other probate matters, as well as civil lawsuits ranging from the small and routine to extremely complex litigation. Our Appellate Court judges then deal with the most difficult and challenging of these matters when citizens exercise their right to appeal and take their disputes to the next level.

It is not just the judges that are essential. Judicial staff are the grease that keeps the engine running. Court staff, such as those in the offices of the District Court Clerks across our state, deal not only with lawyers, but with members of the public. For many citizens, court staff are the first and most direct contact with our state government. Every day, these dedicated staff persons deal with ordinary people in their extraordinary moments of crisis and stress, as citizens come to the courthouse seeking assistance in dealing with court procedures and with finding help for their problems. The value of their assistance in helping citizens to access and navigate the court system is incalculable.

Court Services Officers (CSO's) are crucially important in Child-In-Need-Of-Care (CINC) cases. They meet with the families and help them to identify and obtain services. They help to process court documents and reports, along with a multitude of other tasks. They deal directly with parents who have had their children removed from their care. These are emotionally charged settings, and the CSO's handle the parents and other relatives with ease and grace. Despite a continuing increase in the number of CINC cases, there has been no increase in the

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number of CSO's. We can and must do better.

Going forward, our courts cannot perform these critical functions at the level we have come to expect unless we are able to recruit and fairly compensate capable and qualified judges and staff. Even though the legislature authorized a judicial pay raise during the 2018 session, Kansas judges had not had a raise for nearly nine years prior to that. Consequently, Kansas continues to be well behind the curve, as pay for Kansas court judges and staff continue to lag below many states. Specifically, Judicial salaries for Kansas District Court judges rank 48 out of the 50 states even after being adjusted for Kansas favorable cost of living.

In addition to the lag in competitive judicial salaries, the judges are expected to manage difficult caseloads with vacancies in staffing due to the starting salary. Specifically, thirty-two percent (32%) of court's employee positions have a starting salary below the federal poverty level. Nearly a third of court staff in Kansas are working a second job. Turnover among court staff around the state is high, which results in the loss of institutional knowledge and experience and impacts the level of service provided. We cannot allow this trend to continue or we will lose qualified judges and staff.

To say that the importance of the services provided by our Kansas court staffs and judges is not fully understood and appreciated by the general public would be an understatement. Thus, we cannot expect a great public outcry in support of the judiciary. Most people don't think about the courts until they are in a crisis. So, it is up to us that know better (the attorneys and the legislature) to ensure that we preserve our judicial system. If our courts are not adequately funded, they cannot be adequately staffed, and thus cannot function properly. The effective and efficient resolution of disputes through our judicial system is vital to maintaining peace and civility among our people – something we so desperately need in today's world. Our courts provide the best way for folks to have their disputes decided and resolved, rather than taking matters into their own hands.

It goes without saying that the COVID-19 pandemic has impacted how our courts function. The reduced case filings during the pandemic, and the resulting loss of millions of dollars from reduced docket fee revenues is an ever-growing concern. In response to the difficulties and the uncertainties created by the pandemic, the judiciary has done its level best in cutting expenses. The judiciary implemented a statewide hiring freeze. As of last month, about 11% of the judiciary's employee positions were vacant. The judiciary eliminated nonessential travel, and conducted trainings and education programs by remote means, further reducing costs. There is little room left for additional savings. We simply must increase funding of the courts.

As in the past, court funding continues to be a matter of critical importance to our state, and of great concern to our members. Lawyers are a diverse group, with many different areas of practice, different backgrounds, and different philosophical and political beliefs. But our members, who see and practice within the courts every day and who recognize the importance of our courts, as the third co-equal branch of government, to our democracy, universally agree that we must do everything that we can to preserve and support the judiciary. To that end, it is vitally important that we as lawyers and you as our legislators work together to ensure that the Judicial Branch is fairly and adequately funded.

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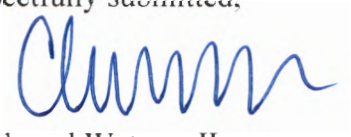
I, on behalf of the WBA, respectfully urge you to support the Judicial Branch's budget proposal. Thank you for your time, attention, and consideration in this matter.

Respectfully submitted,



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