



KANSAS ASSOCIATION OF DEFENSE COUNSEL

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To: Hon. John Barker, Chairman, and the House Committee on the Judiciary

From: Mark D. Katz and Sarah E. Warner

Date: Tuesday, March 10

Re: KADC's Support for SB 44 and SB 51

Chairman Barker, thank you for this opportunity to provide you and your committee with testimony on behalf of the Kansas Association of Defense Counsel in support of Senate Bill 44 and Senate Bill 51. KADC previously supplied testimony in support of these bills when they were under consideration by the Senate Committee on the Judiciary. The situation and KADC's support are unchanged, so we have attached our earlier testimony for your committee's consideration.

Thank you, again, for providing an opportunity to be heard on the critical subject of financing the judiciary—an issue that affects all Kansans.



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TO: The Honorable Jeff King, Chair
And Members of the Senate Committee on Judiciary

FROM: Mark D. Katz and Sarah E. Warner
On behalf of the Kansas Association of Defense Counsel

DATE: January 28, 2015

RE: Judicial Funding; Senate Bills 44 and 51

Chairman King, members of the committee, we thank you for this opportunity to submit written testimony about the importance of affording the Judicial Branch the flexibility to use funds already apportioned to it in order to keep courtrooms open and ensure that there is no gap in the vital services Kansas courts provide Kansans on a daily basis.

KADC is a state-wide organization of lawyers admitted to practice law in Kansas who devote a substantial amount of their time to the defense of litigating civil cases. In addition to working to improve the skills of business and defense attorneys and elevating the standards of trial practice, our organization advocates for the administration of justice—because our clients depend on it. For this reason, KADC consistently has spoken out in favor of the independence of the judiciary, and in particular, on the need to adequately fund our justice system in this state.

With this goal in mind, KADC would like to communicate its strong support of Senate Bills 44 and 51 to this Committee. Senate Bill 44 would eliminate the previous restrictions in Fiscal Year 2015 on the use of the Judicial Branch electronic filing management fund, allowing the courts to use the funds that already exist and have been collected for electronic filing (e-courts) to be used more generally to fill the gap in the Judicial Branch budget created by a revenue shortfall. Similarly, Senate Bill 51 would extend the judicial surcharge, which is set to sunset this year. Without these funds as a source of revenue, Kansas courts would be facing a shortfall of catastrophic proportions.

Of importance to our clients and likely of interest to the Committee, it is our understanding that the solution afforded by Senate Bill 44 will not likely cause delay in the implementation of e-courts. We certainly are in favor of transitioning to an electronic filing and case-management system, which will lead to easier and less expensive access to the courts for

Kansans. But the funds presently allotted for e-courts far exceed what the courts can use over for that system this fiscal year. And, of course, Senate Bill 44 allows the funds used for fixing the shortfall to be restored to the e-courts fund in future years when we are not faced with such calamity.

Kansans depend on our justice system every day. As lawyers who represent and defend individuals and businesses in civil lawsuits in our state, we appreciate first-hand the need to resolve claims in a speedy and efficient matter. Understandably, courts' resources first must be devoted to resolving criminal issues and other cases with mandated expediency (such as child-in-need-of-care proceedings). In times of budgetary crisis—when resources are stretched to the breaking point and in the face of looming court closures—this translates to extraordinarily lengthy delays in civil cases. Delay in the resolution of these cases is incredibly costly and can be crippling for our clients. These are people and businesses who rely on our courts for justice. There can be no question that for these persons, justice delayed is truly justice denied.

Thank you for the opportunity to be heard on this subject. For all of these reasons, on behalf of ourselves and the clients we represent, KADC urges the passage of Senate Bills 44 and 51.