



**TO:**           **The Honorable John Barker**  
And Members of the Senate Judiciary Committee

**FROM:**       **Joseph N. Molina**  
On Behalf of the Kansas Bar Association

**RE:**           **SB 59 – District Magistrate judge jurisdiction.**

**DATE:**       **March 18, 2015**

Chairman Barker and Members of the House Judiciary Committee:

I am Joseph Molina and I provide this written testimony on behalf of the Kansas Bar Association in support of SB 59 concerning district magistrate judge jurisdiction.

The KBA supports the efficient use of judicial resources; by expanding the types of cases that District Magistrate Judges can hear we will create a more effective system. That was the premise behind HB 2065 which was passed last session. However, HB 2065 created some uncertainty and inconsistencies between judicial districts because it failed to properly define the role of magistrate judges. In essence HB 2065 created a system that required the consent of all parties in an action before a magistrate judge could hear the case. If the parties did not agree the district judge was required to hear the case. This was clearly not the intent of HB 2065 or the most efficient use of judicial resources. Clarifying language should be adopted to correct this misunderstanding. The KBA believes that SB 59 contains that language.

SB 59 properly defines district magistrate judge jurisdiction because it is exclusive, listing the types of cases a DMJ cannot hear, rather than inclusive, listing all the types of cases a DMJ can hear.

SB 59 also allows the chief district court judge to reassign any case.

It is also important to note that the District Magistrate Judges Association, the District Judges Association and the Kansas Supreme Court support this bill.

For these reasons the Kansas Bar Association supports SB 59.

Thank you for the opportunity to provide comments of this important piece of legislation.

*About the Kansas Bar Association:*

The Kansas Bar Association (KBA) was founded in 1882 as a voluntary association for dedicated legal professionals and has more than 7,200 members, including lawyers, judges, law students, and paralegals. [www.ksbar.org](http://www.ksbar.org)